

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-FIRST DAY — FRIDAY, MAY 2, 2003

The house met at 10 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 457).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Absent, Excused — Isett; Oliveira.

Absent — Cook, R.; Madden; McCall; Riddle; Wolens.

The invocation was offered by T. L. Garret, pastor, Trinity Church, Lubbock, as follows:

Father God, we invoke your blessings on this gathering and ask your divine guidance. We thank you for your great blessings on our personal lives and that you have blessed our nation in a time of war and distress. Deliver this nation from its enemies, both foreign and domestic.

Thank you for blessing this great State of Texas with the leaders gathered here today. You have allowed Texas to have a long and great history because of its leaders. These men and women here today have been elected by the citizens of this great state, but they have also been chosen by you. The word of God says that our leaders are in place through a divine plan of our God. You have said righteousness exalts a nation, so lead us to your righteousness and your paths.

Since you have chosen these leaders and you allow them to serve here, I ask you to give them your guidance. May the decisions they make today reflect your will. Grant that their votes today will allow the people of Texas to enjoy life, pursue happiness, and fulfill their life goals. Help them to make decisions with the understanding that what they do today not only impacts today but prepares a bright future for our children and grandchildren. Those who came before us and filled this chamber made decisions that have shaped our destiny. Since 1836, the leaders of this great State of Texas have taken a stand for what is right. We are thankful for the rich heritage they have left for us and today we want to impact all future generations through what is happening today in these decisions.

May God's hand of blessings rest upon all those who make their entrance into these chambers today. Bless them and especially their families who sacrifice so they can be here to serve us today. Repay them with blessings for all they have done and the time they give to us.

Father, I ask you to give these delegates wisdom as they make decisions concerning the finances of this state. I ask that the budget presentations and all its problems will be worked out. Give your guidance to the committees who are diligently working to resolve the budget differences. You will show them the correct paths to take.

Forgive us for our national and personal sins and allow us to receive your forgiveness. We want to work in your blessings so we humble our hearts before you today. We commit ourselves to trust, serve, and obey your commands. Show us your ways. Bless us, our God. In Jesus' name. Amen.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Isett on motion of Flynn.

(Wolens now present)

### **CAPITOL PHYSICIAN**

The chair recognized Representative Casteel who presented Dr. Beverly Nuckols of New Braunfels as the "Doctor for the Day."

The house welcomed Dr. Nuckols and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Casteel who introduced Adrian Billings and Hector De Leon.

(Edwards in the chair)

(Riddle now present)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of personal business in the district:

Denny on motion of Reyna.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(R. Cook now present)

(Speaker in the chair)

**INTRODUCTION OF GUEST**

The speaker recognized Representative Lewis who introduced Jim Hines, olympian and former world record holder from the 1968 Mexico City Olympics.

**HR 886 - ADOPTED  
(by Campbell)**

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 886**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 886**, Honoring Kendra Anderson of the Hardin-Simmons University women's basketball team.

(Edwards in the chair)

**HR 886** was adopted without objection.

**INTRODUCTION OF GUEST**

The chair recognized Representative Campbell who introduced Kendra Anderson.

**HR 866 - ADOPTED  
(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 866**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 866**, Honoring Burks Elementary School in McKinney for its commitment to excellence in education.

**HR 866** was adopted without objection.

**HR 867 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 867**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 867**, Honoring Norton Elementary School in Allen for its commitment to excellence in education.

**HR 867** was adopted without objection.

**HR 868 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 868**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 868**, Honoring Eddins Elementary School in McKinney for its commitment to excellence in education.

**HR 868** was adopted without objection.

**HR 869 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 869**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 869**, Honoring Valley Creek Elementary School in McKinney.

**HR 869** was adopted without objection.

**HR 870 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 870**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 870**, Honoring Webb Elementary School in McKinney for its commitment to excellence in education.

**HR 870** was adopted without objection.

**HR 872 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 872**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 872**, Honoring Curtsinger Elementary School in Frisco for its commitment to excellence in education.

**HR 872** was adopted without objection.

**HR 873 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 873**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 873**, Honoring Vaughan Elementary School in Allen for its commitment to excellence in education.

**HR 873** was adopted without objection.

**HR 874 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 874**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 874**, Honoring Reuben Johnson Elementary School in McKinney for its commitment to excellence in education.

**HR 874** was adopted without objection.

**HR 875 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 875**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 875**, Honoring Glen Oaks Elementary School in McKinney for its commitment to excellence in education.

**HR 875** was adopted without objection.

**HR 876 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 876**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 876**, Honoring Green Elementary School in Allen for its commitment to excellence in education.

**HR 876** was adopted without objection.

**HR 996 - ADOPTED**  
**(by Alonzo)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 996**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 996**, Recognizing Mani Rahman of Rahman Financial for his community involvement and contributions to the DFW Pakistan American Chamber of Commerce.

**HR 996** was adopted without objection.

**HR 994 - ADOPTED**  
**(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 994**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 994**, Welcoming the students of Bernarda Jaime Junior High School to the State Capitol.

**HR 994** was adopted without objection.

**HR 958 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 958**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 958**, Honoring Pamela Crim of Allen on her participation in the American Stroke Association's Train to End Stroke Marathon Training Program and the Walt Disney World Marathon in Orlando, Florida.

**HR 958** was adopted without objection.

**HR 871 - ADOPTED**  
**(by Paxton)**

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 871**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 871**, Recognizing the opening of the Dr Pepper/Seven Up Ballpark in Frisco.

**HR 871** was adopted without objection.

**HR 965 - ADOPTED**  
**(by Turner)**

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 965**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 965**, Honoring Willie "Bill" French, Jr., and Florence French of Houston on their 50th wedding anniversary.

**HR 965** was adopted without objection.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**HOUSE JOINT RESOLUTIONS**  
**SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 16 ON SECOND READING**  
**(by F. Brown, B. Brown, Gattis, Chavez, Baxter, et al.)**

**HJR 16**, A joint resolution proposing a constitutional amendment to authorize a county or a city or town to establish an ad valorem tax freeze on residence homesteads of the elderly and their spouses.

(Madden now present)

A record vote was requested.

**HJR 16** was adopted by (Record 458): 141 Yeas, 0 Nays, 3 Present, not voting. (The vote was reconsidered later today, and **HJR 16** was amended and adopted by Record No. 461.)

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson;

Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Edwards(C); Hartnett.

Absent, Excused — Denny; Isett; Oliveira.

Absent — Griggs; McCall.

### STATEMENT OF VOTE

When Record No. 458 was taken, I was in the corridor with a school group. I would have voted yes.

Griggs

### HR 986 - ADOPTED (by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 986**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 986**, Honoring the Bryan Adams High School Peer Assistance Leadership team, recipient of the 2003 Governor's Volunteer Award.

**HR 986** was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 986** as signers thereof.

### HR 956 - ADOPTED (by Taylor)

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 956**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 956**, Honoring the Friendswood High School Academic Decathlon team on their 11th consecutive state championship.

**HR 956** was adopted without objection.

### INTRODUCTION OF GUESTS

The chair recognized Representative Taylor who introduced members of the Friendswood High School Academic Decathlon team.



**HR 733 - ADOPTED**  
**(by Capelo)**

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 733**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 733**, Congratulating the Hispanic Issues Section of the State Bar of Texas on the 25th anniversary of its founding.

**HR 733** was adopted without objection.

**HR 941 - ADOPTED**  
**(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 941**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 941**, Congratulating Tagg Sawyer of Tarrant County on earning a 2003 STARS award.

**HR 941** was adopted without objection.

**HJR 44 ON SECOND READING**  
**(by Hughes and Peña)**

**HJR 44**, A joint resolution proposing a constitutional amendment to permit a six-person jury in a district court misdemeanor trial.

A record vote was requested.

**HJR 44** was adopted by (Record 459): 135 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter;

Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Edwards(C); Howard.

Absent, Excused — Denny; Isett; Oliveira.

Absent — Bailey; Corte; Crabb; Gallego; Hochberg; McCall; Moreno, P.; Wilson.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **CSHB 793 ON SECOND READING**

**(by Branch, Bohac, McClendon, Eissler, Kolkhorst, et al.)**

**CSHB 793**, A bill to be entitled An Act relating to pledges of allegiance to the United States and Texas flags and to observance of one minute of silence in public schools.

**CSHB 793** was read second time on April 29 and was postponed until 11 a.m. today.

Representative Branch moved to postpone consideration of **CSHB 793** until 10 a.m. Monday, May 5.

The motion prevailed without objection.

#### **CSHB 2352 ON SECOND READING**

**(by Nixon and Mercer)**

**CSHB 2352**, A bill to be entitled An Act relating to the designation and obligations of a telecommunications provider of last resort and to the recovery of certain costs incurred in transitioning to a successor utility.

**CSHB 2352** was read second time on April 29 and was postponed until 11 a.m. today.

Representative Mercer moved to postpone consideration of **CSHB 2352** until 1:00 p.m. today.

The motion prevailed without objection.

(Speaker in the chair)

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 33 and Senate List No. 22).

#### **SB 1065 ON SECOND READING**

**(Hartnett - House Sponsor)**

**SB 1065**, A bill to be entitled An Act relating to a pilot project to address continuing needs for more child protective services caseworkers in certain regions of this state.

**SB 1065** was considered in lieu of **HB 2433**.

**SB 1065** was read second time and was passed to third reading.

**HB 2433 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hartnett moved to lay **HB 2433** on the table subject to call.

The motion prevailed without objection.

(Hamilton in the chair)

**CSSB 880 ON SECOND READING**

**(Capelo - House Sponsor)**

**CSSB 880**, A bill to be entitled An Act relating to the time allowed for disposition of certain charges regarding a violation of parole or other forms of release from prison.

**CSSB 880** was considered in lieu of **CSHB 3335**.

**CSSB 880** was read second time and was passed to third reading.

**CSHB 3335 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Capelo moved to lay **CSHB 3335** on the table subject to call.

The motion prevailed without objection.

**GENERAL STATE CALENDAR**

**HOUSE BILLS**

**THIRD READING**

The following bills were laid before the house and read third time:

**HB 1186 ON THIRD READING**

**(by Hegar)**

**HB 1186**, A bill to be entitled An Act relating to the designation of a weight enforcement officer by a commissioners court.

**HB 1186** was passed.

**HB 1194 ON THIRD READING**

**(by West)**

**HB 1194**, A bill to be entitled An Act relating to pipeline safety fees.

**Amendment No. 1**

Representative West offered the following amendment to **HB 1194**:

Amend **HB 1194** on third reading (House Committee Report) on page 2, line 18, by striking "may" and substituting "shall".

Amendment No. 1 was adopted without objection.

**HB 1194**, as amended, was passed.

**HB 1197 ON THIRD READING**  
**(by Krusee)**

**HB 1197**, A bill to be entitled An Act relating to authorization for a development agreement between a municipality and an owner of land in the municipality's extraterritorial jurisdiction.

**Amendment No. 1**

Representative Baxter offered the following amendment to **HB 1197**:

Amend **HB 1197** on third reading on page 4, between lines 5 and 6, by inserting the following:

Sec. 212.173. MUNICIPAL UTILITIES. A municipality may not require an agreement under this subchapter as a condition for providing water, sewer, electricity, gas, or other utility service from a municipally owned or municipally operated utility that provides any of those services.

Amendment No. 1 was adopted without objection.

A record vote was requested.

**HB 1197**, as amended, was passed by (Record 460): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Denny; Isett; Oliveira.

Absent — Crabb; McCall; Wilson.

**HJR 16 - VOTE RECONSIDERED**

Representative F. Brown moved to reconsider the vote by which **HJR 16** was adopted.

The motion to reconsider prevailed.

(Speaker in the chair)

### **HJR 16 ON SECOND READING**

(by F. Brown, B. Brown, Gattis, Chavez, Baxter, et al.)

**HJR 16**, A joint resolution proposing a constitutional amendment to authorize a county or a city or town to establish an ad valorem tax freeze on residence homesteads of the elderly and their spouses.

#### **Amendment No. 1**

Representative Gutierrez offered the following amendment to **HJR 16**:

Amend **HJR 16** as follows:

(1) On page 1, line 7, strike "a county or a city or town" and substitute "a county, a city or town, or a junior college district".

(2) On page 1, line 11, strike "the county or the city or town" and substitute "the county, the city or town, or the junior college district".

(3) On page 1, lines 16 and 17, strike "of the county or of the city or town" and substitute "of the county, the city or town, or the junior college district".

(4) On page 1, line 17, after "the governing body of", strike "the county or the city or town" and substitute "the county, the city or town, or the junior college district".

(5) On page 1, lines 19 and 20, strike "a county or a city or town" and substitute "a county, a city or town, or a junior college district".

(6) On page 1, line 24, strike "the county or the city or town" and substitute "the county, the city or town, or the junior college district".

(7) On page 2, strike lines 8 and 9 and substitute "the same county, within the same city or town, or within the same junior college district. A county, a city or town, or a junior college district that establishes a tax limitation under this subsection".

(8) On page 2, lines 11 and 12, strike "the county's or the city or town's" and substitute "the county's, the city or town's, or the junior college district's".

(9) On page 2, line 13, strike "a county or a city or town" and substitute "a county, a city or town, or a junior college district".

(10) On page 2, line 19, strike "county or a city or town" and substitute "county, a city or town, or a junior college district".

(11) On page 2, line 25, strike "cities, and towns" and substitute "cities and towns, and junior college districts".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Gutierrez offered the following amendment to **HJR 16**:

Amend **HJR 16** as follows:

(1) On page 1, line 8, between "a person" and "sixty-five", insert "who is disabled or is".

(2) On page 1, line 13, between "who is" and "sixty-five", insert "disabled or".

(3) On page 1, line 21, strike "and a person" and substitute "and a disabled person or a person".

(4) On page 2, strike line 26 and substitute "residence homesteads of the disabled and of the elderly and their spouses."

Amendment No. 2 was adopted without objection.

A record vote was requested.

**HJR 16**, as amended, was adopted by (Record 461): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Isett; Oliveira.

Absent — McCall; Moreno, P.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of urgent business in the district:

Corte on motion of Mercer.

### **GENERAL STATE CALENDAR (consideration continued)**

### **HB 1246 ON THIRD READING (by Riddle, Flores, et al.)**

**HB 1246**, A bill to be entitled An Act relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

**HB 1246** was passed.

**HB 1344 ON THIRD READING****(by Uresti)**

**HB 1344**, A bill to be entitled An Act relating to the election of an unopposed candidate for an office of a political subdivision and to omission of that candidate from the ballot.

**HB 1344** was passed. (Castro recorded voting no)

**HB 1476 ON THIRD READING****(by Truitt)**

**HB 1476**, A bill to be entitled An Act relating to the election of certain unopposed candidates.

**HB 1476** was passed. (Castro recorded voting no)

**HB 1512 ON THIRD READING****(by West)**

**HB 1512**, A bill to be entitled An Act relating to meetings to exchange information regarding emergency management plans relating to pipeline safety.

**HB 1512** was passed.

**HB 1575 ON THIRD READING****(by Ritter)**

**HB 1575**, A bill to be entitled An Act relating to cost based transportation rates for natural gas.

A record vote was requested.

**HB 1575** was passed by (Record 462): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberger; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Elkins; McCall; Moreno, P.; Truitt.

**HB 2192 ON THIRD READING**  
**(by Keel, Hopson, et al.)**

**HB 2192**, A bill to be entitled An Act relating to the regulation of controlled substances under the Texas Controlled Substances Act and to the prosecution of certain offenses under that Act.

**HB 2192** was passed.

**HB 2298 ON THIRD READING**  
**(by Uresti, Delisi, Reyna, Capelo, Villarreal, et al.)**

**HB 2298**, A bill to be entitled An Act relating to the authority of certain state agencies to purchase prescription drugs and other medications jointly with other states.

A record vote was requested.

**HB 2298** was passed by (Record 463): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Dawson; Gattis; Laubenberg; McCall; Moreno, P.; Van Arsdale.

**STATEMENT OF VOTE**

When Record No. 463 was taken, I was in the house but away from my desk. I would have voted yes.

Van Arsdale



**HB 2567 ON THIRD READING****(by Geren)**

**HB 2567**, A bill to be entitled An Act relating to the disposal of brine from desalination operations.

**HB 2567** was passed.

**HB 2964 ON THIRD READING****(by Howard)**

**HB 2964**, A bill to be entitled An Act relating to the operation of municipal school districts and the levy of municipal school district taxes.

(Hilderbran in the chair)

**HB 2964** was passed.

**HB 3034 ON THIRD READING****(by Ellis)**

**HB 3034**, A bill to be entitled An Act relating to the rates of certain retail public utilities.

A record vote was requested.

**HB 3034** was passed by (Record 464): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crowover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — McCall; Moreno, P.

**HB 3061 ON THIRD READING****(by Flores)**

**HB 3061**, A bill to be entitled An Act relating to regulation of the disposal of animal remains.

A record vote was requested.

**HB 3061** was passed by (Record 465): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Davis, Y.; Dukes; Edwards; Hegar; McCall; Moreno, P.; Rose.

**HB 3194 ON THIRD READING****(by Uresti)**

**HB 3194**, A bill to be entitled An Act relating to an exemption for the Department of Protective and Regulatory Services from paying certain costs and fees.

**HB 3194** was passed.

**HB 2668 ON THIRD READING****(by Allen, Stick, Hodge, Uresti, Edwards, et al.)**

**HB 2668**, A bill to be entitled An Act relating to the punishment and sentencing of defendants convicted of certain offenses under the Texas Controlled Substances Act.

**HB 2668** was passed. (Bohac, Gattis, Harper-Brown, Hopson, and Phillips recorded voting no)

**HB 1920 ON THIRD READING**  
**(by Capelo)**

**HB 1920**, A bill to be entitled An Act relating to certain immunization programs.

**HB 1920** was passed.

**HB 1796 ON THIRD READING**  
**(by Talton)**

**HB 1796**, A bill to be entitled An Act relating to the repeal of the exception from required disclosure under the public information law of certain information submitted by a potential vendor or contractor.

**HB 1796** was passed.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

The following bills were laid before the house and read third time:

**SB 521 ON THIRD READING**  
**(Hardcastle, Christian, J. Keffer, Flores, Guillen, et al. - House Sponsors)**

**SB 521**, A bill to be entitled An Act relating to the acquisition and regulation of manufactured homes; providing penalties.

**Amendment No. 1**

Representative Hardcastle offered the following amendment to **SB 521**:

Amend **SB 521**, on third reading, immediately before the SECTION providing the effective date of the bill, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) If in a final judgement a court finds that the sections of this Act that amend the Local Government Code constitute a subject separate from the other sections of this Act and, therefore, cause a violation of Section 35(a), Article III, Texas Constitution, the court shall sever the sections amending the Local Government Code and shall give effect only to the remaining sections of the Act.

(b) For purposes of this section, a judgment is final on the date on which all appeals of the judgment have been exhausted or waived.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representatives Burnam and Solomons offered the following amendment to **SB 521**:

Amend **SB 521**, on third reading, as follows:

(1) Strike the SECTION that amends Section 1201.303(b), Occupations Code, and substitute the following:

SECTION \_\_\_\_\_. Section 1201.303(b), Occupations Code, is amended to read as follows:

(b) The department shall establish an installation inspection program in which each [at least 25 percent of installed] manufactured home newly installed in a Wind Zone II county is [homes are] inspected [on a sample basis] for compliance with the standards and rules adopted and orders issued by the director. As funding becomes available, the department shall expand the program to include all newly installed manufactured homes. [The program must place priority on inspecting multisection homes and homes installed in Wind Zone II counties.]

(2) Strike the SECTION that amends Section 4(d), Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), and renumber existing SECTIONS accordingly.

(3) Strike the SECTION providing the effective date of the bill and substitute the following:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section:

(1) this Act takes effect June 1, 2003, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

(b) The changes in law made by this Act to Section 1201.113, Occupations Code, and Sections 11.432, 25.08, 32.014, and 32.03, Tax Code, take effect January 1, 2004.

Amendment No. 2 was adopted without objection.

A record vote was requested.

**SB 521**, as amended, was passed by (Record 466): 139 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hilderbran(C); Hopson.

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Dunnam; McCall; Wise.

### **STATEMENT OF VOTE**

I was shown voting present, not voting on Record No. 466. I intended to vote yes.

Hopson

### **SB 490 ON THIRD READING (Uresti - House Sponsor)**

**SB 490**, A bill to be entitled An Act relating to developing and coordinating certain agency services and activities involving mental health care for young children.

A record vote was requested.

**SB 490** was passed by (Record 467): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Dunnam; McCall; Wise.

### **SB 40 ON THIRD READING (Capelo - House Sponsor)**

**SB 40**, A bill to be entitled An Act relating to an immunization education program established by the Texas Department of Health.

**SB 40** was passed.

**SB 43 ON THIRD READING**  
**(Capelo - House Sponsor)**

**SB 43**, A bill to be entitled An Act relating to certain immunization programs.

**SB 43** was passed.

**SB 236 ON THIRD READING**  
**(Hupp - House Sponsor)**

**SB 236**, A bill to be entitled An Act relating to a landowner's taking of depredating feral hogs.

A record vote was requested.

**SB 236** was passed by (Record 468): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Dunnam; Hartnett; McCall; Wilson; Wise; Wolens.

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 2006 ON SECOND READING**  
**(by E. Jones)**

**CSHB 2006**, A bill to be entitled An Act relating to the construction and maintenance of utility, common carrier, and energy transporter facilities along, over, under, or across a railroad right-of-way.

**Amendment No. 1**

Representative E. Jones offered the following amendment to **CSHB 2006**:

Amend **CSHB 2006** by striking all below the enacting clause and substituting the following:

SECTION 1. The purpose of this Act is to:

(1) create uniform laws relating to the construction and maintenance of utility, common carrier, and energy transporter facilities along, over, under, or across a railroad right-of-way;

(2) grant utilities, common carriers, and energy transporters certain rights, privileges, and responsibilities and provide a uniform process for those entities to obtain easements or other rights to construct and maintain their facilities in railroad rights-of-way in this state; and

(3) grant energy transporters limited eminent domain authority to obtain easements under, over, or across a railroad right-of-way because transporters provide essential energy supplies to the public.

SECTION 2. Chapter 186, Utilities Code, is amended by adding Subchapter E to read as follows:

**SUBCHAPTER E. CONSTRUCTION AND MAINTENANCE OF FACILITIES  
ALONG, OVER, UNDER, OR ACROSS RAILROAD RIGHT-OF-WAY**

Sec. 186.051. DEFINITIONS. In this subchapter:

(1) "Common carrier" means a common carrier as described by Section 111.002, Natural Resources Code, or a person who submits to regulation by the state as a common carrier under Article 2.01, Texas Business Corporation Act.

(2) "Energy transporter" means a pipeline used for gathering or transporting oil, gas, or oil and gas products.

(3) "Railroad" means an entity that owns, operates, or controls a railroad or property or assets owned or previously owned by a railroad in this state, including agents, assignees, or parties that by contract own, control, or manage railroad rights-of-way, easements, or other real property rights belonging to a railroad. The term includes interurban and street railroads.

(4) "Railroad right-of-way" means the real property rights owned or controlled by a railroad, including fee and easement interests used or previously used as a railroad operating corridor.

(5) "Utility" means:

(A) a gas, water, electric, or telecommunications entity that is defined as a utility under the laws of this state;

(B) an electric cooperative; or

(C) a municipally owned utility.

Sec. 186.052. EXEMPTIONS. (a) The inclusion of an energy transporter in this subchapter does not subject the transporter to regulation as a utility or common carrier.

(b) The inclusion of a common carrier in this subchapter does not subject the carrier to regulation as a utility.

Sec. 186.053. CONSTRUCTION AND MAINTENANCE OF UTILITY, COMMON CARRIER, AND ENERGY TRANSPORTER FACILITIES. (a) A utility, common carrier, or energy transporter has the right to construct and maintain its facilities over, under, or across a railroad or railroad right-of-way as provided by this subchapter if the facilities:

(1) as they pass over, under, or across a railroad or railroad right-of-way are not parallel to the railroad or railroad right-of-way; or

(2) before they pass along a railroad or railroad right-of-way are parallel to the railroad or railroad right-of-way for a distance of not more than 500 feet within any one-mile segment of the railroad or railroad right-of-way.

(b) A utility, common carrier, or energy transporter:

(1) shall:

(A) provide notice to the railroad within a reasonable period of any proposed activity relating to the construction, maintenance, or operation of the facilities; and

(B) comply with state and federal safety regulations applicable to construction over, under, or across a railroad or railroad right-of-way; and

(2) may not unreasonably interfere with railroad operations.

(c) A railroad may require a utility, common carrier, or energy transporter to relocate any portion of the facility that is located in the railroad right-of-way that is not in the public right-of-way if:

(1) a reasonable alternate route is available;

(2) a reasonable amount of time is provided;

(3) substantial interference with the railroad operations is established;

and

(4) the railroad reimburses the utility, common carrier, or energy transporter for the cost of relocation.

Sec. 186.054. DOCUMENTATION OF RIGHTS ACQUIRED. If a railroad requires a utility, common carrier, or energy transporter to obtain from the railroad a right to use a railroad right-of-way, the railroad shall produce, if requested, the documentation from the railroad's records indicating the extent of the railroad's right, title, or interest in the property sought to be used by the utility, common carrier, or energy transporter. The utility, common carrier, or energy transporter shall reimburse the railroad for the reasonable cost of producing the documentation as required by this subsection. The cost, including internal costs, may not exceed \$250. If the railroad has no demonstrable real property interest in the property sought to be used or no right to grant an easement along, over, under, or across the railroad right-of-way, the utility, common carrier, or energy transporter does not owe the railroad compensation for the use of the property.

Sec. 186.055. VALUATION OF RIGHTS ACQUIRED. (a) In the absence of an agreement for the right to use a railroad right-of-way, a utility, common carrier, or energy transporter may obtain the right to use the right-of-way through the exercise of eminent domain under the procedures provided by Chapter 21, Property Code.



(b) The award of damages due the railroad under an eminent domain proceeding as provided by Subsection (a) is the market value of the real property interest to be used. Market value is determined by measuring the value of the property interest immediately before and immediately after the taking.

(c) The property interest may not be valued at more than the valuation of the real property adjacent to the right-of-way.

(d) The railroad may also recover:

(1) costs and expenses for interference with railroad operations, including internal costs for providing flagging services; and

(2) the cost to repair any damage to its facilities caused by the construction or maintenance of the utility, common carrier, or energy transporter facilities.

(e) The payment by the utility, common carrier, or energy transporter determined under this section is the only compensation due to the railroad for the perpetual use of the interest obtained.

Sec. 186.056. RIGHT TO MAINTAIN FACILITIES. During the pendency of the condemnation proceedings or good faith negotiations for the purchase of the right to use a railroad right-of-way, the utility, common carrier, or energy transporter may not be required to remove any existing facilities if the facilities were located on the railroad right-of-way under the consent of the railroad.

Sec. 186.057. LICENSE AND RENEWAL. (a) A utility, common carrier, or energy transporter may obtain an original license or renew a license for the right to use a railroad right-of-way for a one-time fee paid based on:

(1) the agreement of the railroad and the utility, common carrier, or energy transporter; or

(2) a mutually acceptable third-party determination of market value.

(b) A fee paid under this section is the only fee payment required. The license remains in effect without the requirement of additional fee payments for renewal of the license.

Sec. 186.058. PROHIBITED ACTS. A railroad may not:

(1) interfere with the right of a utility to cross a railroad right-of-way using a public right-of-way that is not restricted; or

(2) require a utility to pay a fee to cross a railroad right-of-way on a public right-of-way.

Sec. 186.059. PROHIBITED PROVISIONS IN AGREEMENTS. An agreement between a railroad and a utility, common carrier, or energy transporter relating to the sale, lease, license, or other use of a railroad right-of-way, including a purchase agreement, deed, bill of sale, lease, or license, is void to the extent the agreement requires the utility, common carrier, or energy transporter to purchase insurance providing coverage for the railroad or an employee, agent, or independent contractor of the railroad against any loss, liability, or other damage.

Sec. 186.060. CUMULATIVE RIGHTS AND RESPONSIBILITIES. The rights, privileges, and responsibilities provided by this subchapter are in addition to and not in substitution for those rights granted by any other state or federal law.

SECTION 3. This Act takes effect September 1, 2003.

Representative E. Jones moved to postpone consideration of **CSHB 2006** until 12:30 p.m. today.

The motion prevailed without objection.

### **CSHB 2759 ON SECOND READING**

**(by Wong, et al.)**

**CSHB 2759**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for The University of Texas M.D. Anderson Cancer Center for biotechnology research and development facilities.

#### **Amendment No. 1**

Representative Eiland offered the following amendment to **CSHB 2759**:

Amend **CSHB 2759** as follows:

(1) On page 1, between lines 19 and 20, insert the following:

(b) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, or other facilities, including roads and related infrastructure, for The University of Texas Medical Branch at Galveston, to be used primarily to conduct biomedical research including research related to national bio-defense and to be financed by the issuance of bonds in accordance with this subchapter, including bonds issued in accordance with a systemwide revenue financing program and secured as provided by that program in an aggregate principal amount not to exceed \$57 million.

(2) On page 1, line 20, strike "(b)" and substitute "(c)".

(3) On page 1, line 21, strike "Subsection (a)" and substitute "this section".

(4) On page 2, line 5, strike "(c)" and substitute "(d)".

Representative Wong moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted without objection.

**CSHB 2759**, as amended, was passed to engrossment.

(McCall now present)

### **HB 3350 ON SECOND READING**

**(by J. Davis and Coleman)**

**HB 3350**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for the University of Houston System.

**HB 3350** was passed to engrossment.

**HB 1912 ON SECOND READING**  
**(by Wolens, Branch, Marchant, Giddings, and Hill)**

**HB 1912**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for The University of Texas Southwestern Medical Center at Dallas to finance biomedical research facilities and exempting the facilities financed by the bonds from prior approval by the Texas Higher Education Coordinating Board.

**Amendment No. 1**

Representative Wolens offered the following amendment to **HB 1912**:

Amend **HB 1912** on page 2, between lines 11 and 12, by inserting the following:

(d) The board may not issue bonds authorized by Subsection (a) at a time that would require the payment of any debt service on the bonds before September 1, 2004.

Amendment No. 1 was adopted without objection.

**HB 1912**, as amended, was passed to engrossment.

**SB 409 ON SECOND READING**  
**(Chavez - House Sponsor)**

**SB 409**, A bill to be entitled An Act relating to the membership of the Texas Transportation Commission.

**SB 409** was considered in lieu of **HB 3294**.

**Amendment No. 1**

Representative Hamric offered the following amendment to **SB 409**:

Amend **SB 409** by inserting the following appropriately numbered sections and renumbering subsequent sections appropriately:

(1) Section \_\_\_\_\_. Section 201.003, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A reference in law to the commissioner of transportation means the chair of the commission.

(e) A reference in law to a member of the commission means a commissioner.

(2) SECTION \_\_\_\_\_. Section 201.053, Transportation Code, is amended to read as follows:

Sec. 201.053. CHAIR OF THE COMMISSION [~~COMMISSIONER OF TRANSPORTATION~~]. (a) The governor periodically shall designate one commissioner [~~member of the commission~~] as the chair of the commission [~~commissioner of transportation~~], who shall serve as presiding officer of the commission.

(b) The chair [~~commissioner~~] shall:

(1) preside over commission meetings, make rulings on motions and points of order, and determine the order of business;

(2) [(H)] represent the department in dealing with the governor;

(3) ~~(2)~~ report to the governor on the state of affairs of the department at least quarterly;

(4) ~~(3)~~ report to the commission the governor's suggestions for department operations;

(5) ~~(4)~~ report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;

(6) ~~(5)~~ periodically review the department's organizational structure and submit recommendations for structural changes to the governor, the commission, and the Legislative Budget Board;

(7) ~~(6)~~ designate one or more employees of the department as a civil rights division of the department and receive regular reports from the division on the department's efforts to comply with civil rights legislation and administrative rules; ~~and~~

(8) create subcommittees, appoint commissioners to subcommittees, and receive the reports of subcommittees to the commission as a whole;

(9) appoint a commissioner to act in the chair's absence; and

(10) ~~(7)~~ serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation [highway, public transportation, and aviation purposes].

(3) SECTION \_\_\_\_\_. Section 201.054, Transportation Code, is amended to read as follows:

Sec. 201.054. COMMISSION MEETINGS. The commission shall hold regular meetings at least once a month and special meetings at the call of the chair ~~[commissioner of transportation or as provided by commission rule]~~. Commissioners [Commission members] shall attend the meetings of the commission. The chair shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each commissioner at least seven days before the meeting.

(4) SECTION \_\_\_\_\_. Chapter 201, Transportation Code, is amended to add Section 201.0545 to read as follows:

Sec. 201.0545. RECOMMENDATIONS TO LEGISLATURE. (a) The commission shall consider ways in which the department's operations may be improved and may periodically report to the legislature concerning potential statutory changes that would improve the operation of the department.

(b) On behalf of the commission, the chair shall report to the governor, the lieutenant governor, the speaker of the House of Representatives, and the presiding officers of relevant legislative committees on legislative recommendations adopted by the commission and relating to the operation of the department.

(5) SECTION \_\_\_\_\_. Section 201.057, Transportation Code, is amended to read as follows:

Sec. 201.057. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission if a commissioner ~~[member]~~:

(1) does not have at the time of appointment or maintain during service on the commission the qualifications required by Section 201.051;

(2) violates a prohibition provided by Section 201.051;

(3) cannot discharge the commissioner's ~~[member's]~~ duties for a substantial part of the term for which the commissioner ~~[member]~~ is appointed because of illness or disability; or

(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner ~~[member]~~ is eligible to attend during a calendar year, unless the absence is excused by majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commissioner ~~[commission member]~~ exists.

(c) If the director knows that a potential ground for removal exists, the director shall notify the chair of the commission ~~[commissioner of transportation]~~ of the ground, and the chair ~~[commissioner]~~ shall notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal relates to the chair ~~[commissioner of transportation]~~, the director shall notify another commissioner ~~[member of the commission]~~, who shall notify the governor and the attorney general that a potential ground for removal exists.

(6) SECTION \_\_\_\_\_. Subsection (c), Section 202.057, Transportation Code, is amended to read as follows:

(c) The commission may execute a necessary deed, conveyance, or agreement, to be signed by the chair of the commission ~~[commissioner of transportation]~~ as provided by commission order, for flood control purposes under this section.

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representatives Y. Davis and Berman offered the following amendment to **SB 409**:

Amend **SB 409** on page 1 by striking lines 9 and 10 and substituting the following:

(b) The members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member must reside in a rural area.

Amendment No. 2 was adopted without objection.

A record vote was requested.

**SB 409**, as amended, was passed to third reading by (Record 469): 81 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Berman; Branch; Brown, F.; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Crabb; Crownover; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Edwards; Eissler; Farrar; Flores; Gallego; Garza; Giddings; Goodman; Goolsby; Griggs; Gutierrez; Hamric; Harper-Brown; Hartnett; Heflin; Hill; Hochberg; Hodge; Howard; Hughes; Jones, E.; Jones, J.;

Keel; Krusee; Laubenberg; Lewis; Madden; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega; Olivo; Peña; Pickett; Reyna; Riddle; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Solomons; Talton; Taylor; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wohlgemuth; Wolens; Woolley; Zedler.

Nays — Bohac; Bonnen; Brown, B.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Davis, J.; Dawson; Delisi; Eiland; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Grusendorf; Guillen; Hamilton; Hardcastle; Hegar; Hope; Hopson; Hunter; Hupp; Jones, D.; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Luna; Mabry; Marchant; McReynolds; Merritt; Miller; Morrison; Paxton; Phillips; Pitts; Puente; Quintanilla; Raymond; Ritter; Seaman; Smithee; Stick; Swinford; Truitt; Van Arsdale; West; Wong.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Baxter; Dunnam; Haggerty; Homer; Wise.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 469. I intended to vote no.

Allen

I was shown voting no on Record No. 469. I intended to vote yes.

Guillen

When Record No. 469 was taken, my vote failed to register. I would have voted no.

Homer

I was shown voting yes on Record No. 469. I intended to vote no.

Hughes

I was shown voting no on Record No. 469. I intended to vote yes.

Quintanilla

### HB 3294 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chavez moved to lay **HB 3294** on the table subject to call.

The motion prevailed without objection.

### HB 136 ON SECOND READING

(by F. Brown, B. Brown, Gattis, McClendon, Chavez, et al.)

**HB 136**, A bill to be entitled An Act relating to limiting the amount of county or municipal ad valorem taxes that may be imposed on the residence homesteads of the elderly and their surviving spouses.

#### Amendment No. 1

Representative Gutierrez offered the following amendment to **HB 136**:

Amend **HB 136** as follows:

(1) On page 1, line 9, between "HOMESTEADS OF" and "ELDERLY", insert "DISABLED AND".

(2) On page 1, line 12, between "homestead of" and "an individual", insert "a disabled individual or".

(3) On page 1, line 21, between "homestead of" and "an individual", insert "a disabled individual or".

(4) On page 2, line 3, between "for" and "an individual", insert "a disabled individual or".

(5) On page 3, line 6, between "for" and "an individual", insert "a disabled individual or".

(6) On page 3, line 11, between "for" and "an individual", insert "a disabled individual or".

(7) On page 3, line 15, strike "persons" and substitute "disabled individuals or individuals".

(8) On page 5, line 8, between "surviving spouse is" and "55", insert "disabled or is".

(9) On page 5, line 15, between "individual who" and "qualifies for", insert "is 65 years of age or older and".

(10) On page 5, line 16, between "tax increases" and "under this", insert "for the elderly".

(11) On page 5, line 26, between "individual" and "dies", insert "who is 65 years of age or older".

(12) On page 9, strike line 10 and substitute "homesteads of the disabled and of the elderly and their spouses is approved by the".

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Gutierrez offered the following amendment to **HB 136**:

Amend **HB 136** as follows:

(1) On page 1, line 8, strike "COUNTY OR MUNICIPAL" and substitute "COUNTY, MUNICIPAL, OR JUNIOR COLLEGE DISTRICT".

(2) On page 1, lines 9 and 10, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

(3) On page 1, line 11, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(4) On page 1, lines 18 and 19, strike "The county or municipality" and substitute "The county, municipality, or junior college district".

(5) On page 1, line 20, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(6) On page 1, line 22, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(7) On page 1, line 24, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(8) On page 2, line 7, strike "county or municipal" and substitute "county, municipal, or junior college district".

(9) On page 2, line 9, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

(10) On page 2, line 13, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(11) On page 2, lines 19 and 20, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(12) On page 3, line 1, strike "county or municipal" and substitute "county, municipal, or junior college district".

(13) On page 3, line 3, strike "county or municipal" and substitute "county, municipal, or junior college district".

(14) On page 3, line 16, strike "the applicable county or municipality" and substitute "the applicable county, municipality, or junior college district".

(15) On page 3, line 27, strike "county or municipal" and substitute "county, municipal, or junior college district".

(16) On page 4, line 2, strike "the same county or municipality" and substitute "the same county, municipality, or junior college district".

(17) On page 4, line 3, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(18) On page 4, lines 5 and 6, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(19) On page 4, line 11, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(20) On page 4, line 14, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(21) On page 4, lines 19 and 20, strike "county or municipal" and substitute "county, municipal, or junior college district".

(22) On page 4, lines 21 and 22, strike "the same county or municipality" and substitute "the same county, municipality, or junior college district".

(23) On page 5, line 1, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(24) On page 5, line 4, strike "county or municipal" and substitute "county, municipal, or junior college district".

(25) On page 5, line 6, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(26) On page 5, line 16, strike "county or municipal" and substitute "county, municipal, or junior college district".

(27) On page 5, line 20, strike "county or municipal" and substitute "county, municipal, or junior college district".

(28) On page 5, line 22, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(29) On page 5, line 27, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

(30) On page 6, line 2, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(31) On page 6, line 4, strike "the county or municipality" and substitute "the county, municipality, or junior college district".



(32) On page 6, line 6, strike "the county or municipality" and substitute "the county, municipality, or junior college district".

(33) On page 7, line 7, strike "county, or municipality" and substitute "county, municipality, or junior college district".

(34) On page 8, lines 2 and 3, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

(35) On page 8, lines 17 and 18, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

(36) On page 9, lines 3 and 4, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

(37) On page 9, lines 8 and 9, strike "a county or municipality" and substitute "a county, municipality, or junior college district".

Amendment No. 2 was adopted without objection.

A record vote was requested.

**HB 136**, as amended, was passed to engrossment by (Record 470): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crossover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Callegari; Goodman; Laney.

### STATEMENTS OF VOTE

When Record No. 470 was taken, my vote failed to register. I would have voted yes.

Callegari

I was shown voting yes on Record No. 470. I intended to vote no.

Telford

(Speaker in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS &  
CONGRATULATORY AND MEMORIAL CALENDARS RESET**

Representative Reyna requested permission to consider the Local, Consent, and Resolutions and the Congratulatory and Memorial Calendars today.

Permission was granted by unanimous consent.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSHB 2006 ON SECOND READING  
(by E. Jones)**

**CSHB 2006**, A bill to be entitled An Act relating to the construction and maintenance of utility, common carrier, and energy transporter facilities along, over, under, or across a railroad right-of-way.

**CSHB 2006** was read second time earlier today and was postponed until 12:30 p.m. Amendment No. 1 was pending at the time of postponement.

**Amendment No. 2**

Representatives Luna and Eiland offered the following amendment to Amendment No. 1:

Amend **CSHB 2006** on page 2, line 13, between "railroads" and ":", by inserting "and excludes a terminal railroad and a railroad related to a navigation district, port authority, or wharf"

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

(Woolley in the chair)

**Amendment No. 1 - Vote Reconsidered**

Representative E. Jones moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

**Amendment No. 2 - Vote Reconsidered**

Representative Luna moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

**CSHB 2006 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **CSHB 2006** under Rule 4, Section 18(c) of the House Rules on the grounds that the committee minutes were not corrected in accordance with proper procedure of the House Rules.

The point of order was withdrawn.

Representative E. Jones moved to postpone consideration of **CSHB 2006** until 2 p.m. today.

The motion prevailed without objection.

**GENERAL STATE CALENDAR  
(consideration continued)****CSHB 208 ON SECOND READING  
(by Puente)**

**CSHB 208**, A bill to be entitled An Act relating to persons who may obtain a mechanic's lien on real property.

**Amendment No. 1**

Representative Puente offered the following amendment to **CSHB 208**:

Amend **CSHB 208** on page 1, line 11, between "subcontractor" and the period, by inserting "has a lien on the property".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Menendez offered the following amendment to **CSHB 208**:

Amend **CSHB 208** by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 53.124(e), Property Code, is amended to read as follows:

(e) The time of inception of a lien that is created under Section 53.021(c)<sub>2</sub> [or] (d)<sub>2</sub> or (e) is the date of recording of an affidavit of lien under Section 53.052. The priority of a lien claimed by a person entitled to a lien under Section 53.021(c)<sub>2</sub> [or] (d)<sub>2</sub> or (e) with respect to other mechanic's liens is determined by the date of recording. A lien created under Section 53.021(c)<sub>2</sub> [or] (d)<sub>2</sub> or (e) is not valid or enforceable against a grantee or purchaser who acquires an interest in the real property before the time of inception of the lien.

Amendment No. 2 was adopted without objection.

**CSHB 208**, as amended, was passed to engrossment. (Talton recorded voting no)

**HB 215 ON SECOND READING****(by Hamric)**

**HB 215**, A bill to be entitled An Act relating to the regulation of fireworks by certain counties; providing a criminal penalty.

**HB 215** was passed to engrossment. (Hamilton, Homer, and Keel recorded voting no)

**CSHB 396 ON SECOND READING****(by Mowery, Woolley, Solomons, Bohac, et al.)**

**CSHB 396**, A bill to be entitled An Act relating to appeals to small claims courts of certain ad valorem tax determinations.

**Amendment No. 1**

Representative Mowery offered the following amendment to **CSHB 396**:

Amend **CSHB 396** as follows:

(1) On page 2, line 21, delete "review board" and replace it with "district".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Casteel offered the following amendment to **CSHB 396**:

**CSHB 396** is amended in Section 4 of the bill by adding a new subsection (d) to newly created Sec. 42.211, Tax Code to read as follows:

(d) A property owner shall pay an additional fee of \$200 upon filing of an appeal in small claims court. If the appeal is dismissed for lack of jurisdiction under subsection (c) above, the fee shall be refunded to the property owner. If the property owner is the prevailing party in the appeal, the appraisal district shall refund the fee to the property owner.

(Speaker in the chair)

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Casteel offered the following amendment to **CSHB 396**:

**CSHB 396** is amended in Section 4 of the bill by adding the following language to the end of newly created Sec. 42.211(b), Tax Code:

The small claims court shall determine the appeal and enter final judgment within 60 days.

Amendment No. 3 was adopted without objection.

**CSHB 396**, as amended, was passed to engrossment.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**SB 1829 ON SECOND READING**  
**(Nixon - House Sponsor)**

**SB 1829**, A bill to be entitled An Act relating to the designation and obligations of a telecommunications provider of last resort and to the recovery of certain costs incurred in transitioning to a successor utility.

**SB 1829** was considered in lieu of **CSHB 2352**.

**SB 1829** was read second time and was passed to third reading.

**CSHB 2352 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Woolley moved to lay **CSHB 2352** on the table subject to call.

The motion prevailed without objection.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 425 ON SECOND READING**  
**(by Christian, Miller, Eissler, Bonnen, Ellis, et al.)**

**CSHB 425**, A bill to be entitled An Act relating to procedures to help ensure that certain state agency actions are consistent with the meaning and intent of applicable legislative enactments.

**Amendment No. 1**

Representative Christian offered the following amendment to **CSHB 425**:

Amend **CSHB 425** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2001.032, Government Code, is amended to read as follows:

Sec. 2001.032. **LEGISLATIVE REVIEW AND NOTIFICATION.** (a) In the process of developing new rules and before the state agency gives notice of its intention of adopting a rule under Sections 2001.023 and 2001.024, the agency shall research the legislative history of the law and prepare a legislative history document on the bill or amendment that authorizes a state agency to adopt the rule. To effectively research and prepare a legislative history document, the state agency must:

(1) confirm the names of the primary author and sponsor of the legislation or amendment that authorizes the state agency to adopt the rule with the chief clerk of the house of representatives, the secretary of the senate, or an automated information system operated by the Texas Legislative Council or some other reliable information service;

(2) determine whether a statement or discussion of legislative intent was entered into the journals of the senate or house of representatives in connection with legislation that became law and that added, amended, or clearly affected the law under which the rule would be adopted;

(3) verify the standing of each legislative author or sponsor identified in subsection (a)(1) as to their current membership in the legislature;

(4) assemble the information gathered under subsections (1), (2), and (3) of section (a) into a legislative history document to be used by the state agency during the deliberative process of developing new rules.

(b) In this section, a reference to the law under which a rule is or would be adopted includes a reference to the law that authorizes a state agency to adopt the rule and to the law that the rule would implement or enforce.

(c) Before a state agency gives notice of its intention to adopt a rule under Sections 2001.023 and 2001.024, the agency shall establish an internal review process to ensure that the proposed rule is consistent with the legislative history in enacting or otherwise affecting the law under which the rule would be adopted.

(d) Before a state agency gives notice of its intention to adopt a rule under Sections 2001.023 and 2001.024, the agency shall inform the primary author and sponsor of legislation that became law and that added, amended, or clearly affected the law under which the rule would be adopted, if the primary author or sponsor is still a member of the legislature, that the adoption of a rule related to the member's legislation is being considered.

(e) Concurrently with the agency's filing of the notice with the secretary of state, the state agency shall deliver a copy of the notice of the proposed rule required by Sections 2001.023 and 2001.024 to the primary author and sponsor as described in the legislative history if the primary author or sponsor is still a member of the legislature.

(f) Not later than the seventh day before the date the state agency considers the rule for final adoption, the agency shall deliver to the primary author and sponsor a copy of the rule as proposed for final adoption if the text of the rule differs from the text of the proposed rule published under Section 2001.024 and if the author or sponsor is still a member of the legislature. The state agency also shall notify the primary author and sponsor in a timely manner of the time and place of a public hearing held in connection with the contemplated rulemaking if the primary author or sponsor is still a member of the legislature;

(g) The state agency shall deliver a copy of an emergency rule adopted under Section 2001.034 and the written reasons for its adoption to the primary author and sponsor as determined by the legislative history with respect to the law under which the emergency rule was adopted concurrently with the agency's filing of the rule and the reasons for its adoption with the secretary of state. If the state agency gives an abbreviated notice or conducts a hearing in connection with the adoption of the emergency rule, the agency shall also promptly furnish the primary author and sponsor with a copy of the notice and shall timely inform the primary author and sponsor of the time and place of the hearing.

(h) Failure to provide notice under this section does not invalidate an action taken or rule adopted. ~~[Each house of the legislature by rule shall establish a process under which the presiding officer of each house refers each proposed state agency rule to the appropriate standing committee for review before the rule is adopted.]~~

~~[(b) A state agency shall deliver to the lieutenant governor and the speaker of the house of representatives a copy of the notice of a proposed rule when the agency files notice with the secretary of state under Section 2001.023.]~~

~~[(e) On the vote of a majority of its members, a standing committee may send to a state agency a statement supporting or opposing adoption of a proposed rule.]~~

SECTION 2. Section 2001.024(a), Government Code, is amended to read as follows:

(a) The notice of a proposed rule must include:

(1) a brief explanation of the proposed rule;

(2) the text of the proposed rule, except any portion omitted under Section 2002.014, prepared in a manner to indicate any words to be added or deleted from the current text;

(3) a statement of the statutory or other authority under which the rule is proposed to be adopted, including:

(A) a concise explanation of the particular statutory or other provisions under which the rule is proposed;

(B) the section or article of the code affected;

(C) a certification that the proposed rule has been reviewed by legal counsel and found to be within the state agency's authority to adopt;

(D) a copy of the legislative history developed and used by the agency during the proposal process;

(4) a fiscal note showing the name and title of the officer or employee responsible for preparing or approving the note and stating for each year of the first five years that the rule will be in effect:

(A) the additional estimated cost to the state and to local governments expected as a result of enforcing or administering the rule;

(B) the estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule;

(C) the estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the rule; and

(D) if applicable, that enforcing or administering the rule does not have foreseeable implications relating to cost or revenues of the state or local governments;

(5) a note about public benefits and costs showing the name and title of the officer or employee responsible for preparing or approving the note and stating for each year of the first five years that the rule will be in effect:

(A) the public benefits expected as a result of adoption of the proposed rule; and

(B) the probable economic cost to persons required to comply with the rule;

(6) the local employment impact statement prepared under Section 2001.022, if required;

(7) a request for comments on the proposed rule from any interested person; and

(8) any other statement required by law.

SECTION 3. Section 2001.033, Government Code, is amended to read as follows:

Sec. 2001.033. STATE AGENCY ORDER ADOPTING RULE. (a) A state agency order finally adopting a rule must include:

(1) a reasoned justification for the rule as adopted consisting solely of:

(A) a summary of comments received from parties and of any written comments received from members of the legislature interested in the rule that shows the names of interested groups or associations offering comment on the rule and of members of the legislature offering written comment on the rule and whether they were for or against its adoption;

(B) a summary of the factual basis for the rule as adopted which demonstrates a rational connection between the factual basis for the rule and the rule as adopted; and

(C) the reasons why the agency disagrees with party submissions and proposals and with any written comments or proposals offered by a member of the legislature;

(2) a concise restatement of the particular statutory provisions under which the rule is adopted and of how the agency interprets the provisions as authorizing or requiring the rule; and

(3) a certification that the rule, as adopted, has been reviewed by legal counsel and found to be:

(A) a valid exercise of the agency's legal authority; and

(B) consistent with the intent of the legislature in enacting or otherwise affecting the law under which the rule is adopted, as described by Section 2001.032(a).

(b) Nothing in this section shall be construed to require additional analysis of alternatives not adopted by an agency beyond that required by Subsection (a)(1)(C) [Subdivision (1)(C)] or to require the reasoned justification to be stated separately from the statements required in Subsection (a)(1) [Subdivision (1)].

SECTION 4. The change in law made by this Act applies only in relation to:

(1) a state agency rule for which notice of the rule as proposed is first published in the Texas Register under Sections 2001.023 and 2001.024, Government Code, on or after October 1, 2003; or

(2) an emergency rule adopted on or after September 15, 2003.

SECTION 5. This Act takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

**CSHB 425**, as amended, was passed to engrossment.

### **SB 408 ON SECOND READING (R. Cook - House Sponsor)**

**SB 408**, A bill to be entitled An Act relating to the punishment for the offense of terroristic threat.

**SB 408** was considered in lieu of **HB 512**.

Representative R. Cook moved to postpone consideration of **SB 408** until 10 a.m. Monday, May 5.

The motion prevailed without objection.



**HB 644 ON SECOND READING**  
**(by Wohlgemuth)**

**HB 644**, A bill to be entitled An Act relating to the creation of a judicial district composed of Johnson County.

**HB 644** was passed to engrossment.

**CSHB 649 ON SECOND READING**  
**(by J. Keffer and Christian)**

**CSHB 649**, A bill to be entitled An Act relating to creating an interagency work group on rural issues.

**CSHB 649** was passed to engrossment.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**HB 769 ON SECOND READING**  
**(by Solis, et al.)**

**HB 769**, A bill to be entitled An Act relating to compensatory time off for certain communications service employees of the Department of Public Safety.

**HB 769** was read second time on April 23, postponed until April 28, and was again postponed until 1:00 p.m. today.

**HB 769** was passed to engrossment.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 1008 ON SECOND READING**  
**(by Woolley)**

**HB 1008**, A bill to be entitled An Act relating to notice of certain applications for alcoholic beverage permits and licenses.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Driver, Representative Woolley offered the following committee amendment to **HB 1008**:

Amend **HB 1008** as follows:

(1) On page 1, line 9, strike "issued under this code" and substitute "authorizing the retail sale or service of alcoholic beverages for on-premises consumption".

(2) On page 2, between lines 10 and 11, insert the following appropriately numbered section of the bill and renumber the remaining sections of the bill as appropriate:

SECTION \_\_. Section 11.392, Alcoholic Beverage Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The notice must be provided on a form prescribed by the commission and must contain:

(1) the type of permit and type of business for which the applicant has applied;

(2) the exact location of the place of business for which the permit is sought;

(3) the name of each owner of the business or, if the business is operated under an assumed name, the trade name and the name of each owner; and

(4) if the applicant is a corporation, the name and title of each officer.

(3) On page 2, line 15, strike "issued under this code" and substitute "authorizing the retail sale or service of alcoholic beverages for on-premises consumption".

Amendment No. 1 was adopted without objection.

**HB 1008**, as amended, was passed to engrossment.

### **CSHB 1318 ON SECOND READING**

**(by Swinford)**

**CSHB 1318**, A bill to be entitled An Act relating to workforce planning requirements for state agencies and the compensation, accountability, and employment of certain state employees.

**CSHB 1318** was passed to engrossment.

### **CSHB 1692 ON SECOND READING**

**(by Driver, et al.)**

**CSHB 1692**, A bill to be entitled An Act relating to the regulation of interior designers; providing penalties.

#### **Amendment No. 1**

Representative Driver offered the following amendment to **CSHB 1692**:

Amend **CSHB 1692** as follows:

(1) On page 2, line 4, between "services" and "that" insert "for a fee or other compensation, directly or indirectly, to another person, or to a partnership, corporation or other legal entity,"

Amendment No. 1 was adopted without objection.

**CSHB 1692**, as amended, was passed to engrossment.

### **SB 1091 ON SECOND READING**

**(Taylor - House Sponsor)**

**SB 1091**, A bill to be entitled An Act relating to the termination of certain duties of the General Land Office relating to the Recycling Market Development Board and the recycling awareness campaign.

**SB 1091** was considered in lieu of **HB 1707**.

**SB 1091** was passed to third reading.

**HB 1707 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Taylor moved to lay **HB 1707** on the table subject to call.

The motion prevailed without objection.

**HB 1806 ON SECOND READING**

(by Hill)

**HB 1806**, A bill to be entitled An Act relating to issuance of obligations for certain highway and mobility projects.

(Solomons in the chair)

A record vote was requested.

**HB 1806** was passed to engrossment by (Record 471): 114 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Ellis; Farabee; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; Martinez Fischer; McCall; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Stick; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Coleman; Davis, Y.; Dutton; Edwards; Jones, J.; Lewis; Rodriguez; Thompson.

Present, not voting — Mr. Speaker; Solomons(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Bailey; Dunnam; Farrar; Flores; Giddings; Hodge; Laney; Luna; Mabry; McClendon; McReynolds; Moreno, J.; Moreno, P.; Olivo; Telford; Wilson; Wise; Wolens.

**STATEMENT OF VOTE**

When Record No. 471 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

**CSHB 2183 ON SECOND READING**  
**(by Bohac, Woolley, and Crabb)**

**CSHB 2183**, A bill to be entitled An Act relating to the election date of proposed charter amendments in a home-rule municipality.

**CSHB 2183** was passed to engrossment.

**HB 2301 ON SECOND READING**  
**(by E. Jones)**

**HB 2301**, A bill to be entitled An Act relating to the collection of oil-field cleanup regulatory fees.

**HB 2301** was passed to engrossment.

**HB 2341 ON SECOND READING**  
**(by Kolkhorst)**

**HB 2341**, A bill to be entitled An Act relating to the duties of the district attorney in Washington and Burleson counties.

**HB 2341** was passed to engrossment.

**HB 2343 ON SECOND READING**  
**(by Kolkhorst)**

**HB 2343**, A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.

**HB 2343** was passed to engrossment.

**CSHB 2550 ON SECOND READING**  
**(by Nixon)**

**CSHB 2550**, A bill to be entitled An Act relating to governmental contingent fee contracts for legal services entered into by a local governmental entity.

**Amendment No. 1**

Representative Gattis offered the following amendment to **CSHB 2550**:

Amend **CSHB 2550** as follows:

(1) On page 1, line 8, immediately after "DEFINITIONS.", insert "(a)".

(2) On page 2, between lines 11 and 12, insert the following:

(b) For the purposes of this subchapter, a contract for legal services to be performed in connection with the issuance of a public security, as defined by Section 1201.002, Government Code, is not a contingency fee contract, even though the payment of the fee for the legal services is contingent on the issuance and delivery of the public security.

Amendment No. 1 was adopted without objection.

Representative Gattis moved to postpone consideration of **CSHB 2550** until 10 a.m. Tuesday, May 6.

The motion prevailed without objection.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSHB 2006 ON SECOND READING**

(by E. Jones)

**CSHB 2006**, A bill to be entitled An Act relating to the construction and maintenance of utility, common carrier, and energy transporter facilities along, over, under, or across a railroad right-of-way.

**CSHB 2006** was read second time earlier today, postponed until 12:30 p.m. today, and was again postponed until 1:00 p.m. today.

Amendment No. 1 and Amendment No. 2 were pending prior to postponement of **CSHB 2006**.

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representatives Luna and Eiland offered the following amendment to Amendment No. 1:

Amend the Jones floor substitute to **CSHB 2006** on page 2, line 3, between "railroads" and ":", by inserting "and excludes a terminal railroad and a railroad related to a navigation district, port authority, or wharf"

Amendment No. 3 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**CSHB 2006**, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR**

(consideration continued)

**CSHB 2561 ON SECOND READING**

(by Rose)

**CSHB 2561**, A bill to be entitled An Act relating to the application of changes in benefits received by members and retirees of retirement systems for paid, partly paid, and volunteer fire fighters and their beneficiaries.

**CSHB 2561** was passed to engrossment.

**CSHB 3021 ON SECOND READING**

(by Woolley)

**CSHB 3021**, A bill to be entitled An Act relating to the disclosure of business or financial relationships by certain governmental officers associated with sports authorities; imposing a criminal penalty.

**Amendment No. 1**

Representative Woolley offered the following amendment to **CSHB 3021**:

Amend **CSHB 3021** by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 176 to read as follows:

CHAPTER 176. DISCLOSURE OF CERTAIN RELATIONSHIPS WITH  
LOCAL GOVERNMENT OFFICERS

Sec. 176.001. APPLICABILITY OF CHAPTER. This chapter applies only to:

- (1) a county with a population of 3.3 million or more;
- (2) a municipality with a population of 1.6 million or more; and
- (3) a local governmental entity that is appointed by a county or municipality described by this section.

Sec. 176.002. DEFINITIONS. In this chapter:

(1) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

(2) "Local governmental entity" means a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality.

(3) "Local government officer" means:

- (A) a county judge;
- (B) a county commissioner;
- (C) a mayor;
- (D) a municipal attorney;
- (E) a member of the governing body of a municipality;
- (F) a city manager of a municipality; and
- (G) any member of a local governmental entity appointed by the commissioners court of a county, a mayor, or the governing body of a municipality.

Sec. 176.003. APPLICABILITY TO CERTAIN VENDORS AND OTHER PERSONS. (a) This chapter applies to a person who:

- (1) contracts or seeks to contract for the sale or purchase of property, goods, or services with a county, municipality, or local governmental entity; or
- (2) seeks the approval of a plat or permit with the commissioners court of a county, the governing body of a municipality, or a local governmental entity.

(b) A person is not subject to this chapter under Subsection (a) if the person is:

- (1) a state, a political subdivision of a state, the federal government, or a foreign government; or
- (2) an employee of an entity described by Subdivision (1), acting in the employee's official capacity.

Sec. 176.004. CONFLICTS DISCLOSURE STATEMENT. (a) The commissioners court of a county or the governing body of a municipality shall adopt a conflicts disclosure statement for local government officers of the county or municipality or the local governmental entity to which the commissioners

court of the county, mayor of the municipality, or governing body of the municipality appoints a member. The conflicts disclosure statement must include:

(1) a requirement that each local government officer disclose:

(A) an employment or other business relationship of the local government officer or a family member of the local government officer with a person described by Section 176.003(a) that results in the local government officer receiving taxable income, including the nature and extent of the relationship; and

(B) gifts received by the local government officer and any family member of the local government officer from a person described by Section 176.003(a) in the 12-month period before the date of the statement that have a total value of more than \$250;

(2) an acknowledgment from the local government officer that:

(A) the disclosure applies to a family member of the local government officer; and

(B) the statement covers the 12-month period before the date of the statement; and

(3) the signature of the local government officer acknowledging that the statement is made under oath under penalty of perjury.

(b) A local government officer shall file a conflicts disclosure statement with the custodian of the records of the governing body of the county, municipality, or local governmental entity not later than 5 p.m. on the first business day on which the local government officer becomes aware of the relationship between the county, municipality, or local governmental entity and the person described by Section 176.003(a) if:

(1) the person has contracted with the county, municipality, or local governmental entity;

(2) the county, municipality, or local governmental entity is considering doing business with the person; or

(3) the person has offered one or more gifts that have a total value of more than \$250 to that local government officer or a family member of the local government officer in the 12-month period preceding the date the local government officer becomes aware of the relationship between the county, municipality, or local governmental entity and the person.

(c) If the governing board of a local governmental entity is appointed by both the commissioners court of a county and the mayor or governing body of a municipality, the local government officers of the local governmental entity shall use the conflicts disclosure statement adopted by the commissioners court.

(d) A person commits an offense if the person is a local government officer and the person fails to file the conflicts disclosure statement as required by Subsection (b). An offense under this subsection is a Class B misdemeanor.

(e) A county or municipality may extend the requirements of this section to all or a group of the employees of the county or municipality or of a local governmental entity of the county or municipality. A county, municipality, or local governmental entity may reprimand, suspend, or terminate an employee who fails to comply with a requirement adopted under this section.

Sec. 176.005. DISCLOSURE REQUIREMENTS FOR VENDORS AND OTHER PERSONS; QUESTIONNAIRE. (a) This section applies only to a person described by Section 176.003(a) who:

(1) responds to a request for proposals or bids of a county, municipality, or local governmental entity;

(2) communicates with a county, municipality, or local governmental entity in connection with a potential agreement between the person and the county, municipality, or local governmental entity; or

(3) requests action by the county, municipality, or local governmental entity on a plat or permit.

(b) The commissioners court of a county or the governing body of a municipality shall adopt a conflict of interest questionnaire that requires disclosure of a person's affiliations or business relationships that might cause a conflict of interest.

(c) A person described by Subsection (a) shall file a completed conflict of interest questionnaire with the custodian of records of the county, municipality, or local governmental entity not later than the seventh day after the date that the person:

(1) begins contract discussions or negotiations with the county, municipality, or local governmental entity;

(2) forwards to the county, municipality, or local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the county, municipality, or local governmental entity; or

(3) submits a request for approval of a plat or permit.

(d) A person described by Subsection (a) shall file an updated completed questionnaire with the custodian of records of the county, municipality, or local governmental entity not later than:

(1) September 1 of each year in which an activity described by Subsection (a) is pending; and

(2) the seventh day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

(e) A contract entered into by the county, municipality, or local governmental entity and a person described by Subsection (a) is voidable if the person violates this section. The contract must state the substance of this subsection.

Sec. 176.006. ELECTRONIC FILING. The requirements of this chapter, including signature requirements, may be satisfied by electronic filing in a form approved by the county, municipality, or local governmental entity.



Sec. 176.007. POSTING ON INTERNET. A county or municipality that adopts a conflicts disclosure statement and a conflict of interest questionnaire under this chapter shall provide access to the statements and questionnaires filed under this chapter, including any statement or questionnaire filed in relation to a local governmental entity of the county or municipality, on the Internet website maintained by the county or municipality.

Sec. 176.008. REQUIREMENTS CUMULATIVE. The requirements of this chapter are in addition to any other disclosure required by law.

SECTION 2. Section 176.005(e), Local Government Code, as added by this article, applies only to a contract entered into on or after the effective date of this article.

SECTION 3. Each county and municipality subject to Chapter 176, Local Government Code, as added by this article, shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by that chapter not later than December 31, 2003.

SECTION 4. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2004.

(b) A person described by Section 176.003(a), Local Government Code, as added by this Act, is not required to file a conflict of interest questionnaire under Chapter 176, Local Government Code, as added by this Act, before January 1, 2004.

Amendment No. 1 was adopted without objection.

## **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### **CSHB 3021 - (consideration continued)**

#### **Amendment No. 2**

Representative Y. Davis offered the following amendment to **CSHB 3021**:

Amend the Woolley amendment to **CSHB 3021**, on page 1, line 12, by striking "3.3 million or more" and substituting "2.2 million or more".

Amendment No. 2 was adopted without objection.

**CSHB 3021**, as amended, was passed to engrossment.

**CSHB 3075 ON SECOND READING**  
**(by West)**

**CSHB 3075**, A bill to be entitled An Act relating to local agreements to allow certain development corporations and taxing units to invest in and receive tax revenues from certain regional economic development projects.

**CSHB 3075** was passed to engrossment.

**SB 1265 ON SECOND READING**  
**(Capelo - House Sponsor)**

**SB 1265**, A bill to be entitled An Act relating to prosecution of environmental crimes.

**SB 1265** was considered in lieu of **HB 3164**.

**Amendment No. 1**

Representative Puente offered the following amendment to **SB 1265**:

Amend **SB 1265** as follows:

(1) On page 1, line 20, through page 2, line 13, strike added Sections 7.203(b) and (c), Water Code, and reletter subsequent subsections of that section accordingly.

(2) On page 2, strike lines 17-23 and substitute "the commission shall notify any appropriate peace officer, as that term is defined by Section 7.193 or Chapter 2, Code of Criminal Procedure, of the violation.".

(3) On page 3, line 2, strike "(d)" and substitute "and (b)".

(4) On page 3, line 9, strike "through (d)" and substitute "and (b)".

Representative Capelo moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 472): 54 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Allen; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Capelo; Chisum; Cook, R.; Crabb; Crownover; Dawson; Deshotel; Eissler; Elkins; Ellis; Flynn; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Harper-Brown; Hartnett; Homer; Howard; Hunter; Jones, E.; King; Krusee; Kuempel; Laubenberger; Marchant; McCall; McReynolds; Merritt; Morrison; Mowery; Nixon; Pitts; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Swinford; Talton; Taylor; Truitt; West; Wohlgemuth; Wong; Woolley.

Nays — Alonzo; Bailey; Baxter; Berman; Burnam; Campbell; Canales; Casteel; Castro; Chavez; Coleman; Cook, B.; Davis, Y.; Delisi; Driver; Dunnam; Dutton; Edwards; Farabee; Farrar; Flores; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Guillen; Gutierrez; Hamilton; Hardcastle; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Hughes; Hupp; Jones, D.; Jones, J.; Keel; Keffer, B.; Kolkhorst; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; Menendez; Mercer; Moreno, J.; Moreno, P.; Naishtat;

Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Solis; Stick; Telford; Thompson; Turner; Uresti; Van Arsdale; Villarreal; Wilson; Wise; Zedler.

Present, not voting — Mr. Speaker; Solomons(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Christian; Davis, J.; Dukes; Eiland; Keffer, J.; Madden; Miller; Rose; Smithee; Wolens.

### STATEMENT OF VOTE

When Record No. 472 was taken, I was in the house but away from my desk. I would have voted no.

Rose

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 1 and the vote was announced yeas 67, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 473): 62 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Alonzo; Baxter; Berman; Burnam; Campbell; Canales; Casteel; Castro; Chavez; Coleman; Cook, B.; Davis, J.; Davis, Y.; Delisi; Dukes; Dutton; Edwards; Farabee; Farrar; Gallego; Garza; Gattis; Giddings; Goodman; Guillen; Gutierrez; Hartnett; Hochberg; Hodge; Hopson; Hughes; Jones, J.; Keel; Laney; Lewis; Luna; Martinez Fischer; McClendon; Menendez; Mercer; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Solis; Stick; Turner; Uresti; Van Arsdale; Villarreal; Wilson; Wise; Wolens.

Nays — Allen; Bailey; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Capelo; Chisum; Christian; Cook, R.; Crabb; Crownover; Dawson; Deshotel; Driver; Eiland; Eissler; Ellis; Flynn; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Hupp; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; McReynolds; Merritt; Morrison; Paxton; Phillips; Pitts; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Swinford; Talton; Taylor; Thompson; Truitt; West; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Solomons(C).

Absent, Excused — Corte; Denny; Isett; Oliveira.

Absent — Dunnam; Elkins; Flores; Geren; Goolsby; Haggerty; Hegar; Jones, D.; Kuempel; Mabry; Miller; Nixon; Rose; Smithee; Telford.

### STATEMENT OF VOTE

When Record No. 473 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

The chair stated that Amendment No. 1 failed of adoption by the above vote.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Dunnam on motion of J. Moreno.

Flores on motion of McClendon.

Goolsby on motion of Wohlgemuth.

D. Jones on motion of B. Cook.

Mabry on motion of J. Moreno.

Miller on motion of Taylor.

The following member was granted leave of absence for the remainder of today because of important business:

Smithee on motion of Chisum.

The following members were granted leave of absence temporarily for today because of important business:

Haggerty on motion of Merritt.

Telford on motion of Hopson.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Nixon on motion of Talton.

The following member was granted leave of absence temporarily for today because of illness:

Kuempel on motion of Flynn.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Pickett on motion of Menendez.

**SB 1265 - (consideration continued)****Amendment No. 2**

Representative Burnam offered the following amendment to **SB 1265**:

Amend **SB 1265**, on page 2, at the end of line 13, by adding "The commission shall post on the Internet each determination made under this subsection, accompanied by the rationale for the determination, including an explanation of how each factor under Section 7.053 was considered."

Representative Capelo moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 474): 79 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Deshotel; Driver; Edwards; Eiland; Eissler; Ellis; Farabee; Flynn; Gattis; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Laney; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Morrison; Mowery; Paxton; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Casteel; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dutton; Farrar; Gallego; Garza; Giddings; Goodman; Guillen; Gutierrez; Hartnett; Hochberg; Hodge; Hughes; Jones, J.; Lewis; Luna; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Phillips; Puente; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Truitt; Turner; Uresti; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Solomons(C).

Absent, Excused — Corte; Denny; Dunnam; Flores; Goolsby; Haggerty; Isett; Jones, D.; Kuempel; Mabry; Miller; Nixon; Oliveira; Pickett; Smithee; Telford.

Absent — Elkins; Geren; Kolkhorst; Moreno, P.; Peña; Villarreal.

(Kuempel now present)

### **Amendment No. 3**

Representative Puente offered the following amendment to **SB 1265**:

Amend **SB 1265**, added Section 7.203, Water Code (on page 3, between lines 5 and 6), by inserting the following:

(f) This section does not apply to a county over the Edwards Aquifer, as defined by Section 26.046.

**SB 1265 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CASTEEL: Representative Capelo, let me understand correctly. If, in Comal County, which is over the Edwards Aquifer and who is very aggressive about environmental regs, in order for our district attorney to prosecute someone who is violating the regulations, he is going to have to come to Austin and ask permission?

REPRESENTATIVE CAPELO: No, ma'am. Every region has a TCEQ office, and every region—which includes yours and your county—if they don't have a relationship with their TCEQ office you have a problem already with regards to a lack of coordination between state enforcement of environmental laws and what your local enforcement officers are doing. In my neck of the woods, in Nueces County, we deal with our region—our regional TCEQ folk, Mr. Buddy Stanley, who works with us in making sure that we are following the laws, that our companies are following the laws. And those who are violating them are forced to stop and are appropriately punished.

CASTEEL: Okay. For those of us who believe in local control, and respect our own law enforcement and district attorney whom we've elected, then our district attorney in Comal County, in order to do his job, needs to go to a state official within our region and ask permission—ask permission to do his job. Is that what you're telling me this bill does?

CAPELO: This bill requires that your law enforcement officer, when they write up a violation and they do the investigation, that they then—

CASTEEL: Must go ask permission—

CAPELO: If you'll allow me to finish, Ms. Casteel. But they then turn their investigation over to the TCEQ so TCEQ can review the investigation and make a determination whether or not it's appropriate to pursue administrative penalties, or civil penalties, or criminal penalties. And then push forward and continue working with your local DA in order to allow the case to run its course.

CASTEEL: Don't misunderstand me. I have a great deal of respect for Austin. But I also know that a much slower pace occurs in everything that happens up here. In Comal County, where we're able to deal with our own business, take care of our own problems and not have to involve the state—wouldn't you agree with me that that allows us to do our job and do it efficiently and effectively without involving state agencies?

CAPELO: Ms. Casteel, if you're concerned about the 60 day time period, I can assure you that there are very few, if any, district attorney offices that move from the date of violation to 60 days, or even the completion of the report to 60 days to any type of indictment process. This will not delay any prosecution that is warranted. And, please, also remember, Ms. Casteel, that this bill applies only to those companies who are permitted under TCEQ, that are operating and existing under TCEQ. All we're doing is making sure that for those companies who have to operate their business under TCEQ permit, that if someone believes that they

have violated these environmental laws that TCEQ—and that their permit also relies upon—that they work with TCEQ, with their DA to make sure it's handled properly.

CASTEEL: I understand that, and that begs a question, and I truly do not know the answer to this. But my district attorney is extremely excited about this piece of legislation. This is the question: what is a permit? Is a license to operate a septic system a permit? TCEQ must approve all septic regs before county employees who are designated representatives of TCEQ can issue the license to operate a septic system or OSSF. If, Mr. Capelo, a license is a permit, then virtually everyone beyond the municipal limits of the city is subject to the breadth of the legislation because most have OSSFs. So I think you've just answered my question. Everybody outside the city of New Braunfels, Garden Ridge, and Bulverde, then, will be subject to this and will have to be involved with TCEQ. Well, my DA doesn't like it, he's the one that—

CAPELO: Your DA was one of the individuals that came and testified.

CASTEEL: Bill Waltrip. And he's very aggressive, and we have a very progressive county when it comes to environmental regs.

CAPELO: I'm sure you do, Ms. Casteel. Let me rest your worries, and your district attorney's worries. He can continue to go and prosecute everyone who is violating their TCEQ permit on septic tanks. This does not apply to permits for septic tanks. So your district attorney can maintain his aggressiveness and go and shut down all those illegal septic tanks.

### **REMARKS ORDERED PRINTED**

Representative Casteel moved to print remarks between Representative Casteel and Representative Capelo.

The motion prevailed without objection.

Representative Capelo moved to table Amendment No. 3.

(Speaker in the chair)

The motion to table was lost. (Baxter and Rose recorded voting no)

Amendment No. 3 failed of adoption. (Baxter and Rose recorded voting yes)

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Heflin on motion of Lewis.

Luna on motion of Lewis.

Pitts on motion of Lewis.

Turner on motion of Lewis.

Wohlgemuth on motion of Lewis.

**SB 1265 - (consideration continued)****Amendment No. 4**

Representative Gattis offered the following amendment to **SB 1265**:

Amend **SB 1265**, added Section 7.203, Water Code (on page 3, between lines 5 and 6), by inserting the following:

(f) This section does not apply to a county over the Carrizo-Wilcox Aquifer.

Representative Capelo moved to table Amendment No. 4.

The motion to table prevailed. (Rose recorded voting no)

**Amendment No. 5**

Representative Geren offered the following amendment to **SB 1265**:

Amend **SB 1265** on page 1, line 22, between "violation" and "of this code", by inserting "by a person holding a permit issued by the commission or an employee of that person".

Amendment No. 5 was adopted without objection.

**Amendment No. 6**

Representative Deshotel offered the following amendment to **SB 1265**:

Amend **SB 1265** as follows:

(1) In added Section 7.203(c), Water Code, on page 2, line 7, strike "60th day" and substitute "45th day".

(2) In added Section 7.203(c), Water Code, on page 2, at the end of line 13, add "If the commission does not make a determination within the 45-day period required by this subsection:

(1) the peace officer may refer the matter to the appropriate prosecuting attorney for criminal prosecution; and

(2) notwithstanding Subsection (e), the commission or the state is not entitled to receive any part of an amount recovered through a prosecution brought by that prosecuting attorney.

Amendment No. 6 was adopted without objection.

**Amendment No. 7**

Representatives Lewis and Goodman offered the following amendment to **SB 1265**:

Amend **SB 1265**, added Section 7.203, Water Code (on page 3, between lines 5 and 6), by inserting the following:

(f) This section does not apply to a county:

(1) that has a population of over one million; and

(2) in which two municipalities each having a population of more than 300,000 are predominantly located.

(Hegar in the chair)



Representative Capelo moved to table Amendment No. 7.

The motion to table prevailed.

#### **Amendment No. 8**

On behalf of Representatives Turner and J. Moreno, Representative Bonnen offered the following amendment to **SB 1265**:

Amend **SB 1265**, in added Section 7.203, Water Code (on page 3, between lines 5 and 6) by inserting the following:

(f) This section does not apply to a county having a population of 3.3 million or more.

Amendment No. 8 was withdrawn.

#### **Amendment No. 9**

Representative Puente offered the following amendment to **SB 1265**:

Amend **SB 1265**, in added Section 7.203(e), Water Code, as follows:

- (1) On page 3, line 1, strike "80 percent" and substitute "20 percent".
- (2) On page 3, line 3, strike "20 percent" and substitute "80 percent".

Amendment No. 9 was withdrawn.

#### **Amendment No. 10**

On behalf of Representative Hegar, Representative Bonnen offered the following amendment to **SB 1265**:

Amend **SB 1265**, in added Section 7.203(e), Water Code, as follows:

- (1) On page 3, line 1, strike "80 percent" and substitute "70 percent".
- (2) On page 3, line 3, strike "20 percent" and substitute "30 percent".

Amendment No. 10 was adopted without objection.

A record vote was requested.

**SB 1265**, as amended, was passed to third reading by (Record 475): 67 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Deshotel; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Geren; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Harper-Brown; Hegar(C); Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Mercer; Merritt; Morrison; Paxton; Phillips; Reyna; Ritter; Seaman; Smith, W.; Solomons; Swinford; Talton; Taylor; West; Wong; Woolley.

Nays — Alonzo; Baxter; Burnam; Canales; Casteel; Castro; Chavez; Coleman; Davis, Y.; Delisi; Dukes; Dutton; Edwards; Eiland; Farrar; Gallego; Garza; Gattis; Giddings; Goodman; Guillen; Hartnett; Hilderbran; Hochberg; Hodge; Jones, J.; Keel; Laney; Lewis; Martinez Fischer; McClendon; Menendez;

Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Solis; Stick; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; Wilson; Wise; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Corte; Denny; Dunnam; Flores; Goolsby; Haggerty; Isett; Jones, D.; Mabry; Miller; Nixon; Oliveira; Pickett; Smithee; Telford.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgenuth.

Absent — Bailey; Hardcastle; Hill; Marchant; Wolens.

### **HB 3164 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Capelo moved to lay **HB 3164** on the table subject to call.

The motion prevailed without objection.

### **CSHB 3126 ON SECOND READING**

**(by Truitt, Capelo, McReynolds, Zedler, et al.)**

**CSHB 3126**, A bill to be entitled An Act relating to increasing the number of registered nurses and other health care professionals in this state.

#### **Amendment No. 1**

Representative Truitt offered the following amendment to **CSHB 3126**:

Amend **CSHB 3126** as follows:

- (1) Strike page 1, line 5, through page 2, line 4.
- (2) Strike page 6, line 6, through page 11, line 24.
- (3) Insert the following appropriately numbered SECTIONS to the bill:

SECTION \_\_. Section 104.011(a), Health and Safety Code, is amended to read as follows:

(a) The statewide health coordinating council is composed of 18 ~~[47]~~ members determined as follows:

(1) the commissioner of health and human services or a representative designated by the commissioner;

(2) the presiding officer of the Texas Higher Education Coordinating Board or a representative designated by the presiding officer;

(3) the presiding officer of the department or a representative designated by the presiding officer;

(4) the presiding officer of the Texas Health Care Information Council or a representative designated by the presiding officer;

(5) the presiding officer of the Texas Department of Mental Health and Mental Retardation or a representative designated by the presiding officer; and

(6) the following members appointed by the governor:

(A) three health care professionals from the allied health, dental, medical, mental health, ~~[nursing,]~~ and pharmacy professions, no two of whom may be from the same profession;

(B) one registered nurse;

(C) two representatives of a university or health-related institution of higher education;

(D) ~~(E)~~ one representative of a junior or community college that has a nursing program;

(E) ~~(D)~~ one hospital administrator;

(F) ~~(E)~~ one managed care administrator; and

(G) ~~(F)~~ four public members.

SECTION \_\_. Section 104.0115(a), Health and Safety Code, is amended to read as follows:

(a) Members of the council serve for staggered six-year terms, with the terms of four or five members expiring August 31 of each odd-numbered year.

SECTION \_\_. Subchapter B, Chapter 104, Health and Safety Code, is amended by adding Section 104.0155 to read as follows:

Sec. 104.0155. NURSING ADVISORY COMMITTEE. (a) The statewide health coordinating council shall form a nursing advisory committee the majority of the members of which must be nurses. The committee:

(1) must include:

(A) members of associations that represent nurses, educators of nurses, and employers of nurses;

(B) members who represent nurse licensing boards; and

(C) a nurse researcher; and

(2) may include other members who are health care experts from the public or private sector, nurses, nurse educators, employers of nurses, or consumers of nursing services.

(b) The committee shall:

(1) review policy matters on the collection of data and reports performed under Chapter 105 that relate to the nursing profession;

(2) subject to approval of the council, develop priorities and an operations plan for the nursing resource section under Section 105.002(b); and

(3) review reports and information before dissemination.

(c) A nurse member of the committee and a nurse member of the statewide health coordinating council shall co-chair the committee.

(d) Chapter 2110, Government Code, does not apply to the committee formed under this section.

(e) Meetings of the committee under this section are subject to Chapter 551, Government Code.

SECTION \_\_. Section 104.042(e), Health and Safety Code, is amended to read as follows:

(e) Data received by the department under this section containing information identifying specific persons or health care facilities ~~[patients]~~ is confidential, is not subject to disclosure under Chapter 552, Government Code, and may not be released unless all identifying information ~~[the information identifying the patient]~~ is removed.

SECTION \_\_. Section 105.002, Health and Safety Code, is amended to read as follows:

Sec. 105.002. ESTABLISHMENT OF CENTER. (a) In conjunction with the Texas Higher Education Coordinating Board and in such a way as to avoid duplication of effort, the council shall establish a comprehensive health professions resource center for the collection and analysis of educational and employment trends for health professions in this state.

(b) In conjunction with the committee formed under Section 104.0155, to avoid duplication of effort, and to the extent funding is available through fees collected under Sections 301.155(c) and 302.153(d), Occupations Code, the council shall establish a nursing resource section within the center for the collection and analysis of educational and employment trends for nurses in this state.

(c) If the nursing resource section established under Subsection (b) is funded from surcharges collected under Sections 301.155(c) and 302.153(d), Occupations Code, the council shall provide the Board of Nurse Examiners and the Board of Vocational Nurse Examiners, as applicable, with an annual accounting of the money received from those boards. The council may expend a reasonable amount of the money to pay administrative costs of maintaining the nursing resource section.

SECTION \_\_. Section 105.003, Health and Safety Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) To the extent feasible, the council shall use a researcher with a doctorate in nursing to collect, analyze, and disseminate nursing data that may be used to predict supply and demand for nursing personnel in this state using appropriate federal or state supply and demand models. The nursing data must at least:

(1) include demographics, areas of practice, supply, demand, and migration; and

(2) be analyzed to identify trends relating to numbers and geographical distribution, practice setting, and area of practice and, to the extent possible, compare those trends with corresponding national trends.

(e) Data received by the department under this section that contains information identifying specific persons or health care facilities is confidential, is not subject to disclosure under Chapter 552, Government Code, and may not be released unless all identifying information is removed.

SECTION \_\_. Section 105.004, Health and Safety Code, is amended to read as follows:

Sec. 105.004. REPORTS. (a) The council may use the data collected and analyzed under this chapter to publish reports regarding:

- (1) the educational and employment trends for health professions;
- (2) the supply and demand of health professions; and
- (3) other issues, as necessary, concerning health professions in this state.

(b) The council shall publish reports regarding the data collected and analyzed under this chapter related to:

- (1) the educational and employment trends of nursing professionals;
- (2) the supply and demand of nursing professionals; and

(3) other issues, as determined necessary by the council, concerning nursing professionals in this state.

SECTION \_\_. Section 301.155, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall assess a \$3 surcharge to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. The board may use nine cents of the surcharge to cover the administrative costs of collecting and depositing the surcharge. The board quarterly shall transmit \$2.91 of the surcharge to the Texas Department of Health to be used only to implement the nursing resource section under Section 105.002, Health and Safety Code. The board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

SECTION \_\_. Section 302.153, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) The board shall assess a \$2 surcharge to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. The board may use six cents of the surcharge to cover the administrative costs of collecting and depositing the surcharge. The board quarterly shall transmit \$1.94 of the surcharge to the Texas Department of Health to be used only to implement the nursing resource section under Section 105.002, Health and Safety Code. The board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

(4) On page 12, strike lines 1-7.

(5) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

**CSHB 3126**, as amended, was passed to engrossment.

**CSHB 3534 ON SECOND READING**  
**(by Laubenberg, Paxton, Hegar, and Homer)**

**CSHB 3534**, A bill to be entitled An Act relating to the place of business of a retailer for purposes of the collection of the municipal sales and use tax.

**CSHB 3534** was passed to engrossment. (Howard recorded voting no)

**CSHB 2975 ON SECOND READING**  
**(by Chavez, Castro, and Quintanilla)**

**CSHB 2975**, A bill to be entitled An Act relating to the establishment of a pilot program by the Texas Workforce Commission in the Texas-Mexico border region for technology training of certain persons.

**CSHB 2975** was passed to engrossment.

**CSHB 1487 ON SECOND READING**  
**(by Driver, et al.)**

**CSHB 1487**, A bill to be entitled An Act relating to the licensing and regulation of certain electricians; providing penalties.

**Amendment No. 1**

Representative Driver offered the following amendment to **CSHB 1487**:

Amend the **CSHB 1487** as follows:

On page 3, line 16 after "installation," add "maintenance, alteration or repair"

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Driver offered the following amendment to **CSHB 1487**:

Amend the **CSHB 1487** as follows:

On page 5 delete lines 7-11 and substitute the following and renumber:

(13) landscape irrigation installers, as necessary to perform the installation and maintenance of irrigation control systems; and landscapers, as necessary to perform the installation and maintenance of low voltage exterior lighting and holiday lighting excluding any required power source.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Driver offered the following amendment to **CSHB 1487**:

Amend **CSHB 1487** as follows:

On page 5, after line 23, add the following appropriately numbered subsection:

( ) the installation, maintenance, alteration, or repair of equipment or facilities provided or utilized by a cable operator.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Driver offered the following amendment to **CSHB 1487**:

Amend **CSHB 1487** as follows:

On page 7, line 16 after "DUTIES." add "(a)"

On page 7, line 19 after "contractors;" add "and"

On page 7, line 23 delete the ";" and replace with "."

On page 7, line 24 delete the number (3) and add the following:

"(b)(1) The executive director or commissioner, as appropriate, may"

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative Driver offered the following amendment to **CSHB 1487**:

Amend **CSHB 1487** as follows:

On page 3, line 27, after "rights", insert "in vaults or."

Amendment No. 5 was adopted without objection.

**CSHB 1487**, as amended, was passed to engrossment. (Bohac and Eissler recorded voting no)

**CSHB 2877 ON SECOND READING**  
**(by Bonnen, Homer, Chisum, and Stick)**

**CSHB 2877**, A bill to be entitled An Act relating to the permitting procedures of the Texas Commission on Environmental Quality.

**Amendment No. 1**

Representative Bonnen offered the following amendment to **CSHB 2877**:

Amend **CSHB 2877** on page 3 by striking lines 6 and 7 and substituting:

Notwithstanding other law, public notice of a contested case hearing the commission grants under this section is not required. The commission by rule shall provide for notice of a hearing the commission grants under this section to be given to the applicant, the office of public interest counsel, the executive director, and the persons whose hearing requests have been granted.

Amendment No. 1 was adopted without objection.

**CSHB 2877**, as amended, was passed to engrossment. (McClendon, Thompson, and Turner recorded voting no)

**CSHB 390 ON SECOND READING**  
**(by Pitts)**

**CSHB 390**, A bill to be entitled An Act relating to the effect of tax increment financing by certain taxing units in the calculation of ad valorem tax rates for those taxing units.

**CSHB 390** was passed to engrossment.

**CSHB 814 ON SECOND READING**  
**(by Gutierrez, J. Davis, Thompson, Taylor, B. Keffer, et al.)**

**CSHB 814**, A bill to be entitled An Act relating to motor vehicle financial responsibility; providing penalties.

(Turner now present)

A record vote was requested.

The vote of the house was taken on passage to engrossment of **CSHB 814** and the vote was announced yeas 64, nays 62.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 476): 61 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Capelo; Casteel; Chavez; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Deshotel; Driver; Eiland; Ellis; Farabee; Flynn; Gallego; Grusendorf; Gutierrez; Hamilton; Harper-Brown; Hartnett; Hill; Homer; Hopson; Howard; Jones, E.; Keffer, B.; King; Krusee; Laubenberg; Madden; Marchant; McReynolds; Menendez; Mercer; Merritt; Morrison; Mowery; Olivo; Paxton; Quintanilla; Ritter; Smith, T.; Smith, W.; Solomons; Swinford; Taylor; Thompson; Truitt; Van Arsdale; West; Zedler.

Nays — Alonzo; Bailey; Baxter; Burnam; Campbell; Canales; Castro; Chisum; Coleman; Davis, Y.; Delisi; Dukes; Dutton; Edwards; Eissler; Elkins; Farrar; Garza; Gattis; Giddings; Griggs; Guillen; Hamric; Hardcastle; Hochberg; Hodge; Hope; Hughes; Hunter; Hupp; Jones, J.; Keel; Keffer, J.; Kolkhorst; Laney; Lewis; Martinez Fischer; McCall; McClendon; Moreno, J.; Naishtat; Noriega; Phillips; Puente; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Stick; Talton; Turner; Uresti; Villarreal; Wilson; Wise; Woolley.

Present, not voting — Mr. Speaker; Hegar(C).

Absent, Excused — Corte; Denny; Dunnam; Flores; Goolsby; Haggerty; Isett; Jones, D.; Mabry; Miller; Nixon; Oliveira; Pickett; Smithee; Telford.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Wohlgemuth.

Absent — Geren; Goodman; Hilderbran; Kuempel; Moreno, P.; Peña; Solis; Wolens; Wong.

The chair stated that **CSHB 814** was passed to engrossment by the above vote.

(Haggerty, Luna, Pitts, and Wohlgemuth now present)

#### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Goodman on motion of Laney.

The following member was granted leave of absence for the remainder of today because of important family business:

Wong on motion of Harper-Brown.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Geren on motion of Kolkhorst.

Hilderbran on motion of Keel.

Solis on motion of Uresti.

The following member was granted leave of absence for the remainder of today because of illness:

Kuempel on motion of Elkins.

#### **HB 830 ON SECOND READING** **(by Hughes and Peña)**

**HB 830**, A bill to be entitled An Act relating to the number of jurors required for certain district court criminal trials.

**HB 830** was passed to engrossment.



**CSHB 867 ON SECOND READING****(by J. Jones and Naishtat)**

**CSHB 867**, A bill to be entitled An Act relating to air conditioning systems in certain facilities.

**CSHB 867** was passed to engrossment.

**CSHB 1053 ON SECOND READING****(by Rodriguez, Hupp, Miller, and Y. Davis)**

**CSHB 1053**, A bill to be entitled An Act relating to the confidentiality of social security numbers in certain circumstances.

**Amendment No. 1**

Representative Rodriguez offered the following amendment to **CSHB 1053**:

Amend **CSHB 1053** as follows:

(1) On page 3, strike lines 5-8 and substitute the following:

(c) This chapter does not apply to:

(1) a person who collects, uses, or releases a social security number if the person is required to collect, use, or release the social security number by federal or state law, including Chapter 552, Government Code; or

(2) an institution of higher education if the use of a social security number by the institution is regulated by Subchapter Z, Chapter 51, Education Code, or another provision of the Education Code.

(2) On page 3, line 21, between "2." and "This", insert "(a)".

(3) On page 3, after line 21, insert the following:

(b) An institution of higher education that is not subject to the exemption prescribed by Section 145.003(c)(2), Civil Practice and Remedies Code, as added by this Act, shall begin acting in compliance with Chapter 145, Civil Practice and Remedies Code, as added by this Act, on or before September 1, 2007.

Amendment No. 1 was adopted without objection.

**CSHB 1053**, as amended, was passed to engrossment.

**HB 1621 ON SECOND READING****(by Flores)**

**HB 1621**, A bill to be entitled An Act relating to authorizing a public junior college to waive a portion of the tuition and fees for a student enrolled in a course for joint high school-junior college credit.

**HB 1621** was passed to engrossment.

**CSHB 1844 ON SECOND READING****(by Grusendorf, Bohac, Christian, Stick, Madden, et al.)**

**CSHB 1844**, A bill to be entitled An Act relating to a program under which classroom teachers are reimbursed for personal funds expended on classroom supplies.

**CSHB 1844** was passed to engrossment.

**HB 2013 ON SECOND READING**  
**(by Quintanilla)**

**HB 2013**, A bill to be entitled An Act relating to admission and enrollment of certain children attending public schools.

**Amendment No. 1**

Representatives Luna, Capelo, Solis, Uresti, Villarreal, Alonzo, Martinez Fischer, Peña, and Flores offered the following amendment to **HB 2013**:

Amend **HB 2013** on page 2, line 5, between "(4)" and "the board" by inserting "in a district located in a county with a population of at least 600,000 and located on the international border,".

Representative Quintanilla moved to table Amendment No. 1.

(Heflin now present)

(Speaker in the chair)

The motion to table prevailed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Peña on motion of Noriega.

(Capelo in the chair)

**CSHB 2013 - (consideration continued)**

A record vote was requested.

**CSHB 2013** was passed to engrossment by (Record 477): 86 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Morrison; Mowery; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wolens; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo(C); Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Jones, J.; Lewis; Luna; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Puente; Raymond; Rodriguez; Thompson; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker.

Absent, Excused — Corte; Denny; Dunnam; Flores; Geren; Goodman; Goolsby; Hilderbran; Isett; Jones, D.; Kuempel; Mabry; Miller; Nixon; Oliveira; Peña; Pickett; Smithee; Solis; Telford; Wong.

Absent — Eiland; Rose.

### **STATEMENT OF VOTE**

When Record No. 477 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

(Speaker in the chair)

### **CSHB 3397 ON SECOND READING (by Crabb)**

**CSHB 3397**, A bill to be entitled An Act relating to disposal of an exhibit in a capital case.

**CSHB 3397** was passed to engrossment.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Wolens on motion of Hodge.

### **CSHB 2058 ON SECOND READING (by Villarreal)**

**CSHB 2058**, A bill to be entitled An Act relating to a study regarding goals, outcome standards, and objectives in certain contracts with the Department of Protective and Regulatory Services.

**CSHB 2058** was passed to engrossment.

### **HB 2249 ON SECOND READING (by Howard)**

**HB 2249**, A bill to be entitled An Act relating to sale and lease of public school land.

**HB 2249** was passed to engrossment.

### **HB 2251 ON SECOND READING (by Flores)**

**HB 2251**, A bill to be entitled An Act relating to allowing supplemental pay for members of the Texas National Guard who are called to active duty when active duty service imposes an economic hardship.

**HB 2251** was passed to engrossment.

**CSHB 2388 ON SECOND READING****(by R. Cook)**

**CSHB 2388**, A bill to be entitled An Act relating to the late payment of certain submetered or allocated water bills.

**Amendment No. 1**

Representative R. Cook offered the following amendment to **CSHB 2388**:

Amend **CSHB 2388** on pages 1 and 2 by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 13.503, Water Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The commission shall encourage submetering of individual rental or dwelling units by master meter operators or building owners to enhance the conservation of water resources.

(b) Notwithstanding any other law, the commission shall adopt rules and standards under which an owner, operator, or manager of an apartment house, manufactured home rental community, or multiple use facility that is not individually metered for water for each rental or dwelling unit may install submetering equipment for each individual rental or dwelling unit for the purpose of fairly allocating the cost of each individual rental or dwelling unit's water consumption, including wastewater charges based on water consumption. In addition to other appropriate safeguards for the tenant, the rules shall require that, except as provided by this section, an apartment house owner, manufactured home rental community owner, multiple use facility owner, or condominium manager may not impose on the tenant any extra charges, over and above the cost per gallon and any other applicable taxes and surcharges that are charged by the retail public utility to the owner or manager, and that the rental unit or apartment house owner or manager shall maintain adequate records regarding submetering and make the records available for inspection by the tenant during reasonable business hours. The rules shall allow an owner or manager to charge a tenant a fee for late payment of a submetered water bill if the amount of the fee does not exceed five percent of the bill paid late. All submetering equipment is subject to the rules and standards established by the commission for accuracy, testing, and record keeping of meters installed by utilities and to the meter-testing requirements of Section 13.140 of this code.

(e) The commission may authorize a building owner to use submetering equipment that relies on integrated radio based meter reading systems and remote registration in a building plumbing system using submeters that comply with nationally recognized plumbing standards and are as accurate as utility water meters in single application conditions.

Amendment No. 1 was adopted without objection.

**CSHB 2388**, as amended, was passed to engrossment.

**CSHB 1050 ON SECOND READING**  
**(by Olivo)**

**CSHB 1050**, A bill to be entitled An Act relating to school attendance of a child placed in substitute care.

**CSHB 1050** was passed to engrossment.

**CSHB 2914 ON SECOND READING**  
**(by Baxter, et al.)**

**CSHB 2914**, A bill to be entitled An Act relating to the time within which ballots for early voting by mail must be mailed to a voter.

**Amendment No. 1**

Representative Baxter offered the following amendment to **CSHB 2914**:

Amend **CSHB 2914** as follows:

(1) On page 1, line 9, after "seventh" and before "day", insert "calendar".

Amendment No. 1 was adopted without objection.

**CSHB 2914**, as amended, was passed to engrossment.

**CSHB 2159 ON SECOND READING**  
**(by Garza, et al.)**

**CSHB 2159**, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

**Amendment No. 1**

Representative Garza offered the following amendment to **CSHB 2159**:

Amend **CSHB 2159** on page 1, line 18, by striking "issued" and substituting "sanctioned".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Martinez Fischer offered the following amendment to **CSHB 2159**:

Amend **CSHB 2159** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 47, Penal Code, is amended to read as follows:

Sec. 47.04. KEEPING A GAMBLING PLACE. (a) A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used.

(b) It is an affirmative defense to prosecution under this section that:

(1) the gambling occurred in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) An offense under this section is a Class A misdemeanor.

(d) This section does not apply to a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership issued by the Bureau of Indian Affairs and the gambling activity the participants were engaged in was the game of Tic-Tac-Toe, Hangman, or Old Maid.

SECTION 2. This Act takes effect January 1, 2005.

Amendment No. 2 was withdrawn.

**CSHB 2159**, as amended, was passed to engrossment.

(Edwards in the chair)

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 196** (by Campbell), Honoring Marine Lance Corporal Kyle Howard of San Angelo for heroic bravery displayed during Operation Iraqi Freedom.

**HCR 197** (by Craddick), Honoring Dr. Gregory W. Bartha of Midland on his receipt of a Golden Deeds Award.

**HR 606** (by Hope), Honoring Raleigh and Jackie Barker of April Sound on their 50th wedding anniversary.

**HR 619** (by Hamilton), Honoring the community of Sour Lake.

**HR 629** (by Elkins), Honoring Zachary Lane Borders on becoming an Eagle Scout.

**HR 632** (by Gallego), Congratulating Val Verde County Sheriff A. D'Wayne Jernigan for receiving the 2002 President's Award from the Sheriffs' Association of Texas.

**HR 633** (by Gallego), Honoring Marta Gonzalez-Stitts for being named San Felipe Del Rio Consolidated Independent School District Elementary Teacher of the Year 2002.

**HR 635** (by Gallego), Honoring Dudley Harrison of Terrell County for his public service.

**HR 636** (by Gallego), Honoring Marta Galindo of Del Rio on her selection as 2001-2002 Texas State Teacher of the Year.

**HR 639** (by Gallego), Honoring Humberto "Bert" Aguirre of Del Rio for his receipt of a Dr. Hector P. Garcia/American G.I. Forum Founders Award.

**HR 640** (by Gallego), Honoring Pamela Smith on being named San Felipe Del Rio Consolidated Independent School District Secondary Teacher of the Year.

**HR 643** (by Gallego), Congratulating the Honorable Alia Moses Ludlum on her investiture as U.S. District Judge of the Western District.

**HR 653** (by Farrar), Commending all those who participated in the M. D. Anderson Family YMCA's Playground Build Day on March 1, 2003.

**HR 654** (by Farrar), Honoring the Reagan Vertical Team Festival of the Arts 2003.

**HR 655** (by Farrar), Recognizing Jack and Jessica Robinson for participating in the Honorary Page Program.

**HR 656** (by Farrar), Commending Jacob and Jeremy Corona for their participation in the Honorary Page Program.

**HR 664** (by Wise), Congratulating Ernie Dominguez for being named Homecoming King at Southwest Texas State University.

**HR 665** (by Wise), Congratulating Jose "Joe" Calvillo, Jr., on the occasion of the dedication ceremony for the Joe Calvillo Jr. Career and Technology Educational Complex.

**HR 670** (by Phillips), Recognizing April 7, 2003, as County Government Day in Texas.

**HR 675** (by King), Congratulating the Brock High School girls' basketball team on winning the 2003 UIL Class 2A state title.

**HR 731** (by Keel), Honoring the U.S. Navy Armed Guard for its service during World War II.

**HR 733** was previously adopted.

**HR 740** (by Gallego), Commending Douglas A. Newton of Del Rio on his notable civic contributions.

**HR 742** (by Gallego), Honoring Arturo C. Gonzalez on his exceptional legal career.

**HR 751** (by Merritt), Honoring Mary Ann Pierce of Gladewater on her 100th birthday.

**HR 752** (by Merritt), Honoring Jack and Betty Gilbert of Lindale on their 50th wedding anniversary.

**HR 753** (by Merritt), Congratulating James and Ellen Schoggins of Tyler on their 50th wedding anniversary.

**HR 754** (by Merritt), Honoring Clifton L. and Agnes Hudspeth of Tyler on their 50th wedding anniversary.

**HR 758** (by Merritt), Honoring Raymond and Beatrice Ivy of New Chapel Hill on their 65th anniversary.

**HR 759** (by Farrar), Commending the work of The Orange Show Foundation of Houston.

**HR 760** (by Farrar), Honoring Art Car Weekend in Houston.

**HR 761** (by Farrar), Congratulating Diane and Mike Easley on their selection by the Houston Heights Association as its Citizen of the Year.

**HR 762** (by Farrar), Congratulating Carvel Glenn on his receipt of the Marcella Perry Award from the Houston Heights Association.

**HR 766** (by Chavez), Honoring Florentino "Lico" Subia of El Paso for his commitment to his community.

**HR 768** (by Naishtat), Honoring the Texas Longhorns women's basketball team on their outstanding season.

**HR 769** (by Naishtat), Honoring The University of Texas men's basketball team.

**HR 770** (by Bohac), Congratulating Paul and Ellen Nuckolls of Georgetown on their 60th wedding anniversary.

**HR 772** (by Hilderbran), Honoring Greg Shrader of Kerrville on his receipt of the 2002 Mayborn Award for Community Leadership.

**HR 773** (by Peña), Honoring students from the Rio Grande Valley enrolled in the Premedical Honors College at The University of Texas-Pan American.

**HR 778** (by Chavez), Honoring Arturo Duran of El Paso County for his achievements.

**HR 861** (by Craddick), Honoring Bruce and Debbi Willis of Midland on their 30th wedding anniversary.

The resolutions were adopted without objection.

The following memorial resolutions were laid before the house:

**HR 614** (by Bohac), Honoring the life of Julius Victor Tupa, Houston's polka king.

**HR 747** (by Craddick), In memory of Samuel Harrill of Midland.

**HR 755** (by Allen), In memory of Detective Lewis Steve Hall of Port Arthur.

**HR 779** (by Merritt), In memory of Lois Mason of Kilgore.

**HR 849** (by McReynolds), In memory of Alfred "Bubba" Thomas of Sinton.

**HR 882** (by J. Keffer), Honoring the life of U.S. Marine Private Nolen Ryan Hutchings.

The resolutions were unanimously adopted by a rising vote.

(Telford now present)

(Speaker pro tempore in the chair)

**HR 338 - ADOPTED**  
**(by Allen)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 338**.

The motion prevailed without objection.

The following resolution was laid before the house:



**HR 338**, In memory of Deputy Bobby R. Franks of the Houston County Sheriff's Department, who was killed in the line of duty.

**HR 338** was unanimously adopted by a rising vote.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

**CSHB 1203** (by R. Cook), A bill to be entitled An Act relating to the use of site-specific information by a groundwater conservation district to develop its management plan.

**CSHB 1534** (by R. Cook), A bill to be entitled An Act relating to certain powers of groundwater conservation districts.

**CSHB 3039** (by R. Cook), A bill to be entitled An Act relating to the lease of space for state agencies by the Texas Building and Procurement Commission.

**HB 3041** (by R. Cook), A bill to be entitled An Act relating to school bus safety standards.

**CSHB 3042** (by R. Cook), A bill to be entitled An Act relating to the administration of the Texas Building and Procurement Commission.

**CSHB 3043** (by R. Cook), A bill to be entitled An Act relating to travel services contracts.

**HB 3044** (by R. Cook), A bill to be entitled An Act relating to written comments by the General Land Office regarding leases executed by the Texas Building and Procurement Commission.

**CSHB 3045** (by R. Cook), A bill to be entitled An Act relating to the limitation on the allocation of office space to state agencies.

**HB 3213** (by R. Cook), A bill to be entitled An Act relating to the authority of veterinarians to form a professional association.

**HB 2889** (by R. Cook and Peña), A bill to be entitled An Act relating to the authority of certain municipalities to issue bonds, notes, or warrants to finance the acquisition, construction, operation, or repair of certain health and recreational facilities.

**HB 3229** (by Rose), A bill to be entitled An Act relating to electing directors of the Blanco-Pedernales Groundwater Conservation District.

**HB 3568** (by Solis), A bill to be entitled An Act relating to the jurisdiction of the county courts at law in Cameron County.

**CSHB 1675** (by Menendez and E. Jones), A bill to be entitled An Act relating to an extension of the state law supporting the Olympic and Pan American Games to cover the 2011 Pan American Games.

**HB 3595** (by Chavez), A bill to be entitled An Act relating to the statutory county courts in El Paso County.

**CSHB 2172** (by Chavez, Castro, Thompson, J. Keffer, and Solis), A bill to be entitled An Act relating to administration of certain workforce development programs by the Texas Workforce Commission.

**CSHB 3282** (by Guillen), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax and to the rate of that tax.

**HB 757** (by Giddings), A bill to be entitled An Act relating to the continuation of the higher education assistance pilot program.

**CSHB 771** (by Giddings), A bill to be entitled An Act relating to the creation of an offense of using a telephone while operating a school bus.

**CSHB 3420** (by Garza and Guillen), A bill to be entitled An Act relating to a set-aside for certain colonia access roadway projects proposed by rural border counties.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Garza offered the following amendment to **CSHB 3420**:

Amend **CSHB 3420** as follows:

(1) On page 1, line 18, strike "five" and substitute "10".

(2) Strike proposed Subsection (c) of Section 1403.003, Government Code (page 1, line 23, through page 2, line 3) and substitute the following:

(c) The authority, as directed by the Texas Department of Transportation, shall provide a grant from the set-aside on a priority basis to a rural border county that proposes to pave for the first time a road serving a border colonia located in that county. The grant may include funds to construct or improve water or wastewater facilities concurrently with that road paving.

Amendment No. 1 was adopted without objection.

**CSHB 2250** (by Flores), A bill to be entitled An Act relating to the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.

**HB 2277** was withdrawn.

**CSHB 571** (by Morrison), A bill to be entitled An Act relating to special license plates approved by the Daughters of the Republic of Texas.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Morrison offered the following amendment to **CSHB 571**:

Amend **CSHB 571** as follows:

On page 1, strike lines 9 and 10 and substitute "Daughters of the Republic of Texas license plates for each type of vehicle subject to registration under this chapter."

On page 1, strike lines 12 and 13 and substitute "and the department shall design the license plates in consultation with the Daughters of the Republic of Texas. The department may vary the design according to the type of vehicle for which the license plates are issued."

On page 1, lines 19 and 20, strike "the fee prescribed by Section 502.161 or Section 502.162" and substitute "any applicable fee prescribed by Subchapter D".

Strike page 1, line 23 through page 2, line 14 and substitute the following:

"(d) Of each fee collected under this section:

(1) \$8 shall be deposited to the credit of the state highway fund to defray the cost of administering this section;

(2) 50 cents shall be deposited by the county treasurer of the county in which the applicant resides to the credit of the general fund of the county to pay the costs of administering this section; and

(3) the remainder shall be deposited to the credit of the general revenue fund and used only by the Texas Department of Economic Development or its successor agency in making grants to benefit the Daughters of the Republic of Texas to be used only for the purpose of:

(A) the preservation of historic Texas sites; or

(B) funding educational programs that teach Texas history.

(e) If license plates issued under this section are lost, stolen, or mutilated, the owner of the vehicle for which the license plates were issued may obtain replacement plates from the department by paying the fee prescribed by Section 502.184(a)(2)."

Amendment No. 1 was adopted without objection.

**HB 2278** (by Morrison), A bill to be entitled An Act relating to the applicability of the exception to prosecution for the offense of Abandoning or Endangering Child.

**CSHB 2622** (by Allen), A bill to be entitled An Act relating to certain governmental agency and private entity access to and use of criminal history record information maintained by the Department of Public Safety.

**CSHB 2895** (by Allen), A bill to be entitled An Act relating to the operations of the Texas Youth Commission.

**HB 1991** (by B. Brown), A bill to be entitled An Act relating to the definition of a contribution for purposes of the regulation and reporting of political contributions.

**CSHB 2128** (by Chisum), A bill to be entitled An Act relating to the transfer of certain state property from the Department of Public Safety of the State of Texas to Childress County.

**CSHB 2455** (by Chisum, Gallego, Solomons, and Dunnam), A bill to be entitled An Act relating to the governmental entities subject to, and the confidentiality of records under, the sunset review process.

**HB 942** was withdrawn.

**CSHB 1791** (by Chisum and Rodriguez), A bill to be entitled An Act relating to permits for the commercial composting of certain solid wastes.

**HB 3074** (by Flynn), A bill to be entitled An Act relating to required activities and limits on the amounts of state financial assistance for which regional planning commissions may be eligible:

**CSHB 3414** (by Marchant), A bill to be entitled An Act relating to the form used for filing a financing statement and certain other written records.

**HB 3416** (by Marchant), A bill to be entitled An Act relating to the appointment of notaries public.

**HB 3417** was withdrawn.

**HB 1771** (by Keel), A bill to be entitled An Act relating to use of certain 9–1–1 fees and surcharges in certain counties.

**HB 1577** (by Gallego), A bill to be entitled An Act relating to the prohibition of glass containers within the boundaries of a state-owned riverbed; providing criminal penalties.

**HB 3270** (by Gallego), A bill to be entitled An Act relating to establishing an appellate judicial system for the eighth court of appeals.

**HB 826** (by Y. Davis), A bill to be entitled An Act relating to the disposition of certain unclaimed wage payments.

**CSHB 3303** (by Gutierrez), A bill to be entitled An Act relating to the validation of certain acts and proceedings of the City of McAllen relating to the creation of two boards of trustees for the management of its international bridges.

**CSHB 1998** (by Gutierrez), A bill to be entitled An Act relating to changing the titles of the heads of the staff of the Texas Alcoholic Beverage Commission to executive director and deputy executive director.

**HB 2200** (by Solomons), A bill to be entitled An Act relating to restrictions on apartment owners in a condominium regime relating to club membership. (Keel recorded voting present, not voting)

#### **Amendment No. 1**

Representative Solomons offered the following amendment to **HB 2200**:

Amend **HB 2200** as follows:

(1) On page 1, line 8, strike "or master lease" and substitute "master lease, or other recorded contract".

(2) On page 1, line 23, between "declaration" and "that", insert "or recorded contract".

(3) On page 2, line 3, between "declaration" and "for", insert "or recorded contract".

(4) On page 2, line 4, between "declaration" and "and", insert "or recorded contract".

(5) On page 2, line 10, between "lease," and "or bylaw", insert "contract,".

(6) On page 2, strike lines 12-16 and substitute the following:

the effective date of this Act. A provision of a declaration, master deed, master lease, contract, or bylaw relating to club membership that was recorded, enacted, or renewed before the effective date of this Act is continued in effect unless canceled after the ninth anniversary of the date the provision was recorded, enacted, or renewed at a meeting of the apartment owners at which the provision is disapproved by the holders of at least 67 percent of the ownership interests in the condominium.

Amendment No. 1 was adopted without objection.

### REASON FOR VOTE

Tex. Const. Art. III, Sec. 24: My present, not voting vote on **HB 2200** is pursuant to this disclosure under the dictates of Article III, Section 24, Texas Constitution.

Keel

**HB 2411** was withdrawn.

**HB 659** (by Pitts), A bill to be entitled An Act relating to the designation of the interchange at U.S. Highway 75 and Interstate Highway 635 in Dallas as the David M. Laney High Five Interchange.

**HB 3242** (by Pitts), A bill to be entitled An Act relating to the use of the reverse auction procedure by state agencies.

**HB 1315** (by Pitts), A bill to be entitled An Act relating to the regulation of talent agencies.

**CSHB 1166** (by Solomons), A bill to be entitled An Act relating to the on-line information needs and requirements of licensing agencies and their license holders.

**CSHB 1493** (by Solomons), A bill to be entitled An Act relating to the foreclosure of property and the authority of a mortgage servicer to administer the foreclosure on behalf of a mortgagee.

**HB 1496** (by Solomons), A bill to be entitled An Act relating to reduction in benefit fraud and claim overpayments in unemployment compensation.

### Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Rodriguez, Representative Solomons offered the following committee amendment to **HB 1496**:

Amend **HB 1496** as follows:

(1) On page 1, line 24, insert the following new subsection:

"(c) In developing the study required under this section, the Office of the State Auditor shall consider studies performed by the U.S. Department of Labor and other State Employment Security Agencies concerning the misclassification of workers resulting in underpayments to the UI Trust Fund, and shall specifically evaluate the use of targeted audits to reduce misclassification."

(2) On page 1, line 24, renumber subsection (c) to read subsection (d).

(3) On page 2, line 11, renumber subsection (d) to read subsection (e).

(4) On page 2, line 13, renumber subsection (e) to read subsection (f).

(5) On page 2, line 15, strike "unemployment compensation administration fund" and add "workforce commission federal account."

Amendment No. 1 was adopted without objection.

**HB 3556** (by Campbell), A bill to be entitled An Act relating to management of and certain actions and proceedings of the Sterling County Underground Water Conservation District.

**HB 1886** (by Zedler), A bill to be entitled An Act relating to the assessment of fees for the regulation of code enforcement officers.

**CSHB 2131** (by Zedler), A bill to be entitled An Act relating to the regulation of certain operating room nurses employed by certain other health providers.

**HB 179** (by Ellis), A bill to be entitled An Act relating to the qualification of a county fair association for an ad valorem tax exemption.

**HB 453** (by Villarreal, et al.), A bill to be entitled An Act relating to a pilot program for early childhood teacher education and retention.

**HB 499** (by Kuempel), A bill to be entitled An Act relating to the issuance of urban forestry license plates.

**CSHB 534** (by King, Mercer, and Baxter), A bill to be entitled An Act relating to Texas State Rifle Association license plates.

**HB 1109** (by King), A bill to be entitled An Act relating to collateral eligible to be pledged with the comptroller to secure state deposits.

**CSHB 919** (by Eiland), A bill to be entitled An Act relating to the review and approval of drainage reports by certain special districts.

**SB 234** (Hupp - House Sponsor), in lieu of **HB 1025**, A bill to be entitled An Act relating to the authority of certain counties bordering Lake Buchanan to impose a hotel occupancy tax.

Representative Hupp moved to lay **HB 1025** on the table subject to call.

The motion prevailed without objection.

**HB 1027** (by Hupp), A bill to be entitled An Act relating to the confidentiality of crime victim information.

**CSHB 1097** (by Capelo), A bill to be entitled An Act relating to the birth defects monitoring program.

**CSHB 2989** (by Capelo and Mabry), A bill to be entitled An Act relating to an inquest when a body part is found and to the qualifications of a person conducting an inquest.

**CSHB 3014** (by Capelo), A bill to be entitled An Act relating to authorizing gifts and grants of drugs and other items to certain state agencies.

**HB 1232** (by Geren), A bill to be entitled An Act relating to the expiration of alcoholic beverage permits and licenses.

**HB 1396** was withdrawn.

**HB 1439** (by Eissler), A bill to be entitled An Act relating to the application and enforcement of traffic regulations in private subdivisions in certain counties.

**CSHB 1527** (by Harper-Brown), A bill to be entitled An Act relating to the operation and movement of a vehicle when a traffic-control signal does not display an indication.

**HB 1570** (by Gallego), A bill to be entitled An Act relating to University Interscholastic League rules concerning a community celebration for a school team that participates in a league activity.

**CSHB 1576** (by Gallego), A bill to be entitled An Act relating to the telecommunications planning and oversight council.

**HB 2636** (by Madden), A bill to be entitled An Act relating to notifying an applicant of the omission of certain information from a federal postcard application to vote in an election.

**HB 1602** (by Madden), A bill to be entitled An Act relating to the availability on the Internet of electronic reports of political contributions and expenditures.

**HB 1615** (by Farabee), A bill to be entitled An Act relating to requirements for door restrictors or firefighter's service applicable to certain elevators, escalators, or related equipment.

**CSHB 3324** (by J. Keffer), A bill to be entitled An Act relating to the issuance of certain obligations and the imposition of assessments for the unemployment compensation system.

**HB 2691** was withdrawn.

**SB 775** (J. Keffer - House Sponsor), in lieu of **HB 1627**, A bill to be entitled An Act relating to the use of TexasOnline by state agencies.

Representative J. Keffer moved to lay **HB 1627** on the table subject to call.

The motion prevailed without objection.

**HB 1663** (by Castro), A bill to be entitled An Act relating to the disposition of seized weapons.

**CSHB 1697** (by Denny), A bill to be entitled An Act relating to recounts of elections in which direct recording electronic voting machines were used.

**CSHB 1701** (by Taylor and Eissler), A bill to be entitled An Act relating to providing a uniform limit on the population of a county election precinct.

**CSHB 1824** (by Hamric and Mercer), A bill to be entitled An Act relating to adjusting formula funding for certain institutions of higher education to account for differences between estimated and actual receipts of educational and general funds.

**HB 1897** was withdrawn.

**CSHB 1952** (by Truitt), A bill to be entitled An Act relating to local regulation of public swimming pools.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Truitt offered the following amendment to **CSHB 1952**:

Amend **CSHB 1952** as follows:

(1) On Page 1, amend Subsection (n) to read as follows:

(n) A county or municipality may:

(1) require that the owner or operator of a public swimming pool within the jurisdiction of the county or municipality obtain a permit for operation of the pool;

(2) inspect a public swimming pool within the jurisdiction of the county or municipality for compliance with this section; and

(3) impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided the following are met:

(A) the auditor for the county shall review the program every two years to ensure that the fees imposed do not exceed the cost of the program; and

(B) the county refunds the permit holders any revenue determined by the auditor to exceed the cost of the program.

Amendment No. 1 was adopted without objection.

**HB 2334** (by Turner), A bill to be entitled An Act relating to the right of residents of an area annexed for limited purposes to vote in certain municipal elections.

**HB 2030** was withdrawn.

**HB 2056** (by Dawson), A bill to be entitled An Act relating to the maximum value of a charitable raffle prize.

**HB 2074** (by Hilderbran and Gallego), A bill to be entitled An Act relating to the election of directors and validation of acts of the governing board of the Real-Edwards Conservation and Reclamation District.

**CSHB 1813** (by McReynolds), A bill to be entitled An Act relating to the conduct of a raffle by a qualified nonprofit organization.

**HB 2081** (by McReynolds), A bill to be entitled An Act relating to an exemption from The Texas Engineering Practice Act for certain public works.

**Amendment No. 1**

On behalf of Representative Reyna, Representative McReynolds offered the following amendment to **HB 2081**:

Amend **HB 2081** as follows:

(1) On page 1, lines 9 and 10, strike "structural, electrical, or mechanical" and substitute "[~~structural,~~] electrical[~~,~~] or mechanical".

(2) On page 1, line 11, strike "\$20,000 [~~\$8,000~~]" and substitute "\$8,000".



(3) On page 1, lines 12 and 13, strike "structural, electrical, or mechanical" and substitute "[~~structural~~] electrical[~~;~~] or mechanical".

Amendment No. 1 was adopted without objection.

**HB 2940** (by McReynolds), A bill to be entitled An Act relating to the funding of the administrative costs of the Texas Environmental Education Partnership Fund Board.

**HB 1904** was withdrawn.

**SB 985** (Goolsby - House Sponsor), in lieu of **HB 1341**, A bill to be entitled An Act relating to the definition of an energy emergency.

Representative McCall moved to lay **HB 1341** on the table subject to call.

The motion prevailed without objection.

**SB 1238** (Dukes - House Sponsor), in lieu of **HB 2140**, A bill to be entitled An Act relating to the definitions in certain manufactured home communities.

Representative Dukes moved to lay **HB 2140** on the table subject to call.

The motion prevailed without objection.

**HB 2297** (by Uresti), A bill to be entitled An Act relating to the manner in which the roll of members-elect is called when a house of the legislature convenes in regular session.

**HB 2481** (by Uresti), A bill to be entitled An Act relating to excluding certain income in calculating child support and spousal maintenance.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Goodman, Representative Uresti offered the following amendment to **HB 2481**:

Amend **HB 2481** as follows:

On page 1, line 7, strike "(d)" and insert "(e)".

Amendment No. 1 was adopted without objection.

**HB 2348** was withdrawn.

**CSHB 2385** (by Griggs, Noriega, Berman, Eissler, and W. Smith), A bill to be entitled An Act relating to salary payments to municipal and county employees called to active military duty.

**HB 1296** (by Noriega), A bill to be entitled An Act relating to small business development programs of navigation districts and port authorities.

**CSHB 2400** (by Noriega), A bill to be entitled An Act relating to military leave and military leave time accounts for certain municipal fire fighters and police officers.

**SB 1666** (Flynn - House Sponsor), in lieu of **HB 2584**, A bill to be entitled An Act relating to the definition of a financial institution for purposes of law governing savings banks.

Representative Flynn moved to lay **HB 2584** on the table subject to call.

The motion prevailed without objection.

**CSHB 2585** (by Flynn), A bill to be entitled An Act relating to an examination requirement for mortgage broker and loan officer license applicants.

**HB 2543** (by Bonnen), A bill to be entitled An Act relating to allowing nonprofit corporations to offer limited cash prizes under the Charitable Raffle Enabling Act.

**HB 2875** (by Bonnen), A bill to be entitled An Act relating to the definition of "disposes of" for purposes of criminal penalties imposed under the Water Code.

**CSSB 1667** (Flynn - House Sponsor), in lieu of **HB 2586**, A bill to be entitled An Act relating to obtaining criminal history record information on an applicant for or holder of a mortgage broker or loan office license.

Representative Flynn moved to lay **HB 2586** on the table subject to call.

The motion prevailed without objection.

**CSSB 1577** (Flynn - House Sponsor), in lieu of **HB 2587**, A bill to be entitled An Act relating to the effect of a criminal conviction on licensing and regulation of a mortgage broker or loan officer.

Representative Flynn moved to lay **HB 2587** on the table subject to call.

The motion prevailed without objection.

**HB 2457** (by Rangel, Canales, Garza, Luna, and Mercer), A bill to be entitled An Act relating to an intercollegiate athletics fee at Texas A&M University-Kingsville.

**CSHB 3376** (by Rangel, Canales, and Garza), A bill to be entitled An Act relating to the payment of court costs in certain asset forfeiture cases.

**CSHB 3377** (by Rangel, Canales, and Garza), A bill to be entitled An Act relating to the filing of a notice of seizure and intended forfeiture in an asset forfeiture case.

**CSHB 3374** (by Rangel, Puente, Guillen, and Canales), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kenedy County Groundwater Conservation District.

**CSHB 2660** (by Puente), A bill to be entitled An Act relating to the establishment of minimum levels of water conservation in water conservation plans.

**CSHB 2661** (by Puente), A bill to be entitled An Act relating to the use of graywater.

**CSHB 2663** (by Puente), A bill to be entitled An Act relating to the establishment of quantifiable goals for drought contingency plans.

**HB 2665** was withdrawn.

**CSHB 818** (by Hochberg), A bill to be entitled An Act relating to the setting of performance levels on assessment instruments used in the public school accountability system.

**HB 2032** (by Hochberg), A bill to be entitled An Act relating to the confidentiality of e-mail addresses under the public information law.

**CSHB 2485** (by Hochberg), A bill to be entitled An Act relating to internal auditing of state agencies.

**CSHB 3425** (by Lewis), A bill to be entitled An Act relating to an intercollegiate athletics fee at Prairie View A&M University.

**HB 2379** (by Hill), A bill to be entitled An Act relating to the recreational facility fee charged at The University of Texas at Dallas.

**CSHB 3330** (by Crownover), A bill to be entitled An Act relating to the definition of an eligible highway for purposes of applying to erect an information logo sign.

**CSHB 2866** (by Swinford), A bill to be entitled An Act relating to coordination of inspections of certain licensed child-care facilities.

**CSHB 1769** (by Driver), A bill to be entitled An Act relating to occupations regulated by the Texas Commission on Private Security.

**CSHB 2881** (by Driver and E. Jones), A bill to be entitled An Act relating to prohibiting an attack on an assistance animal; creating an offense.

**CSHB 2886** (by Van Arsdale), A bill to be entitled An Act relating to certain certificates and reports filed with the bureau of vital statistics.

#### **Amendment No. 1**

Representative Van Arsdale offered the following amendment to **CSHB 2886**:

Amend **CSHB 2886** on page 2, between lines 8 and 9, by inserting the following new SECTIONS, appropriately numbered, and renumbering the subsequent SECTION of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.410 to read as follows:

Sec. 6.410. REPORT TO ACCOMPANY PETITION. At the time a petition for divorce or annulment of a marriage is filed, the petitioner shall also file a completed report that may be used by the district clerk, at the time the petition is granted, to comply with Section 194.002, Health and Safety Code.

SECTION \_\_\_\_\_. Subchapter G, Chapter 162, Family Code, is amended by adding Section 162.602 to read as follows:

Sec. 162.602. DOCUMENTATION TO ACCOMPANY PETITION FOR ADOPTION OR ANNULMENT OR REVOCATION OF ADOPTION. At the time a petition for adoption or annulment or revocation of adoption is filed, the petitioner shall also file completed documentation that may be used by the clerk of the court, at the time the petition is granted, to comply with Section 192.009, Health and Safety Code, and Section 108.003.

Amendment No. 1 was adopted without objection.

**HB 2902** (by Phillips), A bill to be entitled An Act relating to the assessment of costs for the improvement of a road in a part of a subdivision.

**CSHB 3024** (by Casteel), A bill to be entitled An Act relating to increasing governmental efficiency through the reduction of duplicative reporting and auditing requirements.

**CSHB 1241** (by Homer), A bill to be entitled An Act relating to measures to protect the state from theft, lost lottery tickets, or other losses incurred by or in connection with lottery sales agents.

**HB 2112** (by Homer), A bill to be entitled An Act relating to the liability of an employer for actions of an employee in the sale, service, dispensing, or delivery of alcoholic beverages.

**HB 2911** (by Homer, Phillips, and Seaman), A bill to be entitled An Act relating to designation of Farm-to-Market Road 68 in Fannin County as Speaker Jimmy Turman Road.

**HB 3179** (by Homer), A bill to be entitled An Act relating to the elimination of certain membership requirements for local workforce development boards and of certain programs administered by those boards.

**HB 3113** (by Dunnam), A bill to be entitled An Act relating to the definition of abuse of a child.

**HB 3232** (by T. Smith), A bill to be entitled An Act relating to the collection of costs incurred by a municipality in remedying substandard conditions on a property.

**CSHB 3235** (by T. Smith), A bill to be entitled An Act relating to certification training programs for municipal building inspectors and the implementation of Texas building energy efficiency performance standards by certified municipal building inspectors.

**CSHB 3381** (by Merritt, Chavez, Guillen, and Hughes), A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of a border region high-speed rail authority for the Texas-Louisiana and the Texas-Mexico border regions; granting the power to issue bonds; imposing a tax; granting the power of eminent domain. (B. Cook and Phillips recorded voting no)

(The vote was reconsidered later today, and **CSHB 3381** was withdrawn.)

**HB 1129** (by Farrar), A bill to be entitled An Act relating to the types of restrictions that may be enforced by certain municipalities.

Representative Farrar moved to postpone consideration of **HB 1129** until the end of the local and consent calendar.

The motion prevailed without objection.

**CSHB 1163** (by Thompson), A bill to be entitled An Act relating to contracts between certain health care providers and health benefit plans.

**SB 1084** (Quintanilla - House Sponsor), in lieu of **HB 2634**, A bill to be entitled An Act relating to interest-free loans from the Texas Water Development Board for water districts in economically distressed areas.

Representative Quintanilla moved to lay **HB 2634** on the table subject to call.

The motion prevailed without objection.

**CSHB 3114** (by Dunnam), A bill to be entitled An Act relating to the definition of gross income under the Family Code.

**CSHB 776** (by Naishtat, Mabry, et al.), A bill to be entitled An Act relating to requiring that certain individuals who provide nursing services in a nursing institution receive annual training in caring for people with dementia.

**CSHB 3087** (by Hodge), A bill to be entitled An Act relating to a release or satisfaction of a judgment for child support arrearages.

**HB 1875** was withdrawn.

**HCR 186** (by Gallego) Expressing support and encouragement for the reopening of the bridge and border crossing at La Linda to accommodate trade and tourism between Texas and Coahuila, Mexico.

**SB 394** (Hochberg - House Sponsor), A bill to be entitled An Act relating to the Records Management Interagency Coordinating Council.

**SB 446** (Quintanilla - House Sponsor), A bill to be entitled An Act relating to the authority of the Rural Foundation.

**SB 461** (Woolley - House Sponsor), A bill to be entitled An Act relating to the operation of authorized emergency vehicles.

**SB 553** (Hamric - House Sponsor), A bill to be entitled An Act relating to the validation of any act, governmental proceeding, official, bond, or obligation of a navigation district or port authority.

**SB 579** (Dutton - House Sponsor), A bill to be entitled An Act relating to the confidentiality of certain records in an adoption placement by the Department of Protective and Regulatory Services.

**SB 655** (Hunter - House Sponsor), A bill to be entitled An Act relating to members and veterans of the armed forces.

**SB 814** (Haggerty - House Sponsor), A bill to be entitled An Act relating to an exemption for certain military personnel and veterans from the requirements of the Texas Academic Skills Program.

**HB 1129** was withdrawn.

**HR 973 - ADOPTED**  
**(by Hodge)**

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 973**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 973**, Honoring Melissa Eiland and Representative Craig Eiland of Galveston on the birth of their twins, William Gray and Delaney Paige Eiland.

**HR 973** was read and was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 973** as signers thereof.

### **HB 3381 - VOTE RECONSIDERED**

Representative Chisum moved to reconsider the vote by which **HB 3381** was passed to engrossment.

The motion to reconsider prevailed.

**HB 3381** was withdrawn.

### **CONSTITUTIONAL RULE SUSPENDED**

Representative Reyna moved to suspend the constitutional rule requiring bills to be read on three several days in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar.

The motion prevailed without objection.

### **MOTION FOR ONE RECORD VOTE**

On motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING**

The following bills which were considered on second reading on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 478): 126 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Giddings; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; Martinez Fischer; McCall;

McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Phillips; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Denny; Dunnam; Flores; Geren; Goodman; Goolsby; Hilderbran; Isett; Jones, D.; Kuempel; Mabry; Miller; Nixon; Oliveira; Peña; Pickett; Smithee; Solis; Wolens; Wong.

**HB 1203**

**HB 3041**

**HB 3042**

**HB 3043**

**HB 3044**

**HB 3213**

**HB 2889**

**HB 3229**

**HB 1675**

**HB 2172**

**HB 3282**

**HB 757**

**HB 3420**

**HB 1791**

**HB 3074**

**HB 1771**

**HB 3303**

**HB 659**

**HB 1496**

**HB 3556**

**HB 2131**

**HB 453**

**HB 499**

**HB 919**

**SB 234**

**HB 1027**

**HB 1097**

**HB 3014**

**HB 1527**

**HB 1570**

**HB 1576**

**HB 3324**

**SB 775**

**HB 1824**

**HB 1952**

**HB 2056**

**HB 2074**

**HB 2081**

**SB 985**

**SB 1238**

**HB 2385**

**HB 1296**

**HB 2400**

**HB 2543**

**HB 2875**

**HB 2457**

**HB 2660**

**HB 2663**

**HB 818**

**HB 2485**

**HB 3425**

**HB 2379**

**HB 3330**

**HB 2866**

**HB 2902**

**HB 3024**

**HB 2911**

**HB 3179**

**HB 3113**

**HB 3232**

**SB 1084**

**SB 461**

**SB 655**

**SB 814**

The following bills which were considered on second reading on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

**HB 1534**

**HB 3039**



**HB 3045****HB 3568****HB 3595****HB 771****HB 2250****HB 571****HB 2278****HB 2622****HB 2895****HB 1991****HB 2128****HB 2455****HB 3414****HB 3416****HB 1577****HB 3270****HB 826****HB 1998****HB 2200** (Keel recorded voting present, not voting)**STATEMENT OF LEGISLATIVE INTENT**

The overall purpose and intent of **HB 2200** is to make a positive impact on condominium owners by protecting the value and marketability of their respective condominium regime property interest. State law expressly governs condominium regimes and how they are to be governed. The legislature recognized, with **HB 2200**, that restrictions and contracts mandating perpetual private country club memberships for condominium regime owners often become outdated and thus increasingly detrimental to an owner's property value. The legislature, with **HB 2200**, made the decision that the perpetual nature of these private contract title encumbrances and the difficulty in terminating or modifying such contracts is contrary to the public policy that owners in a condominium regime should have a statutorily meaningful and reasonable remedy to resolve substandard delivery of private country club services.

These perpetual contracts typically do not provide clear standards for what constitutes justification for increasing dues commensurate with the quality of services delivered, but the condominium regime owners are required to pay the dues imposed or forfeit their ownership interest in the condominium regime. These one-sided perpetual contracts that were originally imposed by the developer of the condominium regime often later adversely and unreasonably affect the marketability of an owner's property interest. It was my intent and the legislature agreed with the passage of **HB 2200** that such agreements mandating private country club membership should be revisited after a reasonable period of time, and that current condominium regime owners should have the reasonable ability to affirmatively renew the continuation of such contracts as a matter of public policy.

Solomons

**REASON FOR VOTE**

Tex. Const. Art. III, Sec. 24: My present, not voting vote on **HB 2200** is pursuant to this disclosure under the dictates of Article III, Section 24, of the Texas Constitution.

Keel

**HB 3242**

**HB 1315**

**HB 1166**

**HB 1493**

**HB 1886**

**HB 179**

**HB 534**

**HB 1109**

**HB 2989**

**HB 1232**

**HB 1439**

**HB 2636**

**HB 1602**

**HB 1615**

**HB 1663**

**HB 1697**

**HB 1701**

**HB 2334**

**HB 1813**

**HB 2940**

**HB 2297**

**HB 2481**

**SB 1666**

**HB 2585**

**SB 1667**

**SB 1577**

**HB 3376**

**HB 3377**

**HB 3374**

**HB 2661**

**HB 2032**

**HB 1769**

**HB 2881**

**HB 2886**

**HB 1241**

**HB 2112**

**HB 3235**

**HB 1129**

**HB 1163**

**HB 3114**

**HB 776**

**HB 3087**

**SB 394**

**SB 446**

**SB 553**

**SB 579**

(Speaker in the chair)

### **MOTION TO CONFORM CAPTIONS**

Representative Reyna moved to conform the captions of the senate bills taken up in lieu of the house bills to the house bills' caption.

The motion prevailed without objection.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was taken up just prior to adjournment.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Wilson moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider all bills previously posted for the canceled meeting on April 30 and **HB 3072**.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, upon adjournment today, E2.010, for a public hearing, to consider bills posted for cancelled meeting on April 30 and **HB 3072**.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Grusendorf moved to suspend the five day posting rule to allow the Committee on Public Education to consider **HB 1254**.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Education, upon adjournment today, Desk 27, for a formal meeting, to consider **HB 442**, **HB 1206**, and **HB 1254**.

Business and Industry, upon adjournment today, Desk 103, for a formal meeting, to consider pending business.

State Health Care Expenditures, Select, upon adjournment today, Desk 39, for a formal meeting, to consider **HB 3182**.

Economic Development, upon adjournment today, Desk 149, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, Desk 17, for a formal meeting, to consider pending business.

Local and Consent Calendars, upon adjournment today, E2.024, for a formal meeting, to set the calendar for Tuesday.

Human Services, upon adjournment today, Desk 114, for a formal meeting, to consider **HB 2222** and **HB 2429**.

Energy Resources, 9 a.m. Monday, May 5, Desk 106, for a formal meeting, to consider pending business.

Transportation, upon adjournment today, Desk 46, for a formal meeting, to consider legislation before the committee.

Judicial Affairs, upon adjournment today, Desk 70, for a formal meeting, to consider pending business.

Public Health, upon adjournment today, Desk 104, for a formal meeting, to consider pending bills.

Calendars, upon adjournment today, speakers committee room, for a formal meeting.

Urban Affairs, upon adjournment today, Desk 48, for a formal meeting, to consider pending business.

Natural Resources, upon adjournment today, Desk 112, for a formal meeting, to consider **HB 3078**, **HB 3627**, **SB 526**, **SB 1639**, and pending business.

### **HR 9 - ADOPTED** **(by Chavez and Quintanilla)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 9**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 9**, Commending Barnett Harley-Davidson, Rods & Wheels Bar & Grill, and motorcycle enthusiasts for the dedication to the El Paso community.

**HR 9** was adopted without objection.

### **PROVIDING FOR ADJOURNMENT**

Representative Marchant moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, May 5 in memory of Gloria G. Oliveira, mother of Representative Oliveira.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**SB 7 - STATEMENT OF VOTE**

On April 30, I was shown voting yes on Record No. 404 (final passage of SB 7). I intended to vote no.

Martinez Fischer

**ADJOURNMENT**

In accordance with a previous motion, the house, at 8:52 p.m., adjourned until 10 a.m. Monday, May 5.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

- SB 76** to Public Education.
- SB 88** to Judicial Affairs.
- SB 97** to Corrections.
- SB 160** to Public Health.
- SB 177** to Criminal Jurisprudence.
- SB 245** to Human Services.
- SB 485** to Urban Affairs.
- SB 525** to State Affairs.
- SB 585** to Environmental Regulation.
- SB 604** to County Affairs.
- SB 610** to Public Health.
- SB 686** to Criminal Jurisprudence.
- SB 725** to Local Government Ways and Means.
- SB 805** to Public Education.
- SB 837** to Criminal Jurisprudence.

**SB 902** to Financial Institutions.  
**SB 967** to Natural Resources.  
**SB 972** to Transportation.  
**SB 1000** to State Affairs.  
**SB 1054** to Criminal Jurisprudence.  
**SB 1107** to Judicial Affairs.  
**SB 1114** to Law Enforcement.  
**SB 1128** to Higher Education.  
**SB 1129** to Criminal Jurisprudence.  
**SB 1131** to Public Health.  
**SB 1136** to Public Health.  
**SB 1143** to Defense Affairs and State-Federal Relations.  
**SB 1151** to State Affairs.  
**SB 1152** to Government Reform.  
**SB 1174** to Defense Affairs and State-Federal Relations.  
**SB 1180** to Judicial Affairs.  
**SB 1211** to Financial Institutions.  
**SB 1227** to Natural Resources.  
**SB 1276** to Natural Resources.  
**SB 1304** to Natural Resources.  
**SB 1306** to Criminal Jurisprudence.  
**SB 1336** to Criminal Jurisprudence.  
**SB 1362** to Natural Resources.  
**SB 1378** to Natural Resources.  
**SB 1424** to Juvenile Justice and Family Issues.  
**SB 1439** to Defense Affairs and State-Federal Relations.  
**SB 1457** to Defense Affairs and State-Federal Relations.  
**SB 1465** to Judicial Affairs.  
**SB 1504** to Transportation.  
**SB 1507** to Transportation.  
**SB 1565** to Local Government Ways and Means.  
**SB 1571** to Public Health.  
**SB 1581** to State Affairs.  
**SB 1594** to Defense Affairs and State-Federal Relations.  
**SB 1635** to Transportation.  
**SB 1639** to Natural Resources.  
**SB 1663** to Urban Affairs.

**SB 1665** to Juvenile Justice and Family Issues.  
**SB 1669** to Defense Affairs and State-Federal Relations.  
**SB 1687** to House Administration.  
**SB 1713** to Land and Resource Management.  
**SB 1715** to Transportation.  
**SB 1725** to Natural Resources.  
**SB 1729** to Natural Resources.  
**SB 1744** to Public Health.  
**SB 1748** to Transportation.  
**SB 1781** to Judicial Affairs.  
**SB 1784** to Local Government Ways and Means.  
**SB 1794** to Judicial Affairs.  
**SB 1796** to County Affairs.  
**SB 1797** to Judicial Affairs.  
**SB 1805** to Juvenile Justice and Family Issues.  
**SB 1807** to Juvenile Justice and Family Issues.  
**SB 1808** to Juvenile Justice and Family Issues.  
**SB 1883** to Transportation.  
**SB 1884** to Transportation.  
**SB 1888** to Natural Resources.  
**SB 1904** to Law Enforcement.  
**SCR 21** to Border and International Affairs.

**List No. 2**

**SB 6** to Licensing and Administrative Procedures.  
**SB 734** to Urban Affairs.  
**SB 739** to Public Health.  
**SB 1464** to Transportation.  
**SB 1470** to Public Education.  
**SB 1490** to Juvenile Justice and Family Issues.  
**SB 1522** to Appropriations.  
**SB 1552** to Judicial Affairs.  
**SB 1615** to Human Services.  
**SB 1828** to Agriculture and Livestock.  
**SCR 20** to Border and International Affairs.

**List No. 3**

**HB 3629** (By Bohac), Relating to the creation of the Spring Branch Area Community Improvement District.  
To Urban Affairs.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 33**

**HB 233, HB 234, HB 522, HB 601, HB 641, HB 935, HB 970, HB 988, HB 1049, HB 1138, HB 1234, HB 1369, HB 1522, HB 1677, HB 1819, HB 1820, HB 2091, HCR 36**

**Senate List No. 22**

**SB 572, SB 583, SB 732, SB 756, SB 857, SB 1057, SB 1603, SCR 6, SJR 25**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 2, 2003

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 6** Van de Putte  
Relating to clarifying the time to claim a lottery prize and extending the time for certain military personnel.

**SB 739** Ellis, Rodney  
Relating to aggregate or statistical information about the screening program for hearing loss in newborns.

**SB 1464** Lindsay  
Relating to enforcement of the collection of certain tolls; providing a penalty.

**SB 1470** West  
Relating to student eligibility to participate in a high school equivalency program and to authorization of a school district or open-enrollment charter school to operate a program.

**SB 1490** Ogden  
Relating to certain investigation requirements and other procedures in connection with an allegation of child abuse or neglect.

**SB 1522** Zaffirini



Relating to the continuous eligibility of certain children for medical assistance benefits.

**SB 1552**

Duncan

Relating to the creation and composition of certain county courts at law.

**SB 1615**

Ellis, Rodney

Relating to a pilot program for language interpreter services under the medical assistance program.

**SB 1828**

Averitt

Relating to the composition and duties of the State Soil and Water Conservation Board.

**SCR 20**

Shapleigh

Memorializing Congress to fund one-stop border vehicle inspection facilities.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 2, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1**

Heflin

SPONSOR: Bivins

General Appropriations Bill.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 1**

Border and International Affairs - **HB 3272, HCR 204, SB 409, SB 535, SB 1084**

Business and Industry - **HB 2199, HB 3589, HB 3590**

Corrections - **HB 1480, SB 482, SB 880, SB 917**

County Affairs - **HB 3017**

Criminal Jurisprudence - **SB 408**

Defense Affairs and State-Federal Relations - **HB 76, HB 528, HB 2540, HB 2650, SB 173, SB 737, SCR 40**

Environmental Regulation - **SB 1091, SB 1265**

Higher Education - **HB 255, HB 1363, HB 1961, HB 2117, HB 3321, HB 3552**

Human Services - **SB 59, SB 100, SB 602, SB 1050, SB 1051, SB 1065, SB 1237**

Judicial Affairs - **HB 445, HB 1985, HB 3274, HB 3503, HB 3597, HB 3605, HB 3624**

Licensing and Administrative Procedures - **HB 1114, HB 2005, HB 2579, HB 2844, SB 1647**

Local Government Ways and Means - **HB 2718, HB 3395**

Natural Resources - **HB 3565, HB 3567, SB 542, SB 1035**

Public Education - **HB 1857**

State Affairs - **HB 945, HB 2174**

State Cultural and Recreational Resources - **HB 305, HB 1427, HB 2582, HB 2674**

Transportation - **HB 460, HB 542, HB 631, HB 1600, HB 2107, HB 2306, HB 3020, HB 3347, SB 249**

#### **ENGROSSED**

**May 1 - HB 5, HB 85, HB 104, HB 172, HB 182, HB 217, HB 235, HB 275, HB 311, HB 329, HB 424, HB 457, HB 471, HB 560, HB 565, HB 614, HB 716, HB 729, HB 755, HB 778, HB 803, HB 885, HB 1112, HB 1113, HB 1192, HB 1207, HB 1225, HB 1247, HB 1268, HB 1297, HB 1300, HB 1339, HB 1391, HB 1406, HB 1444, HB 1481, HB 1518, HB 1529, HB 1537, HB 1544, HB 1609, HB 1614, HB 1634, HB 1670, HB 1691, HB 1695, HB 1723, HB 1736, HB 1744, HB 1749, HB 1808, HB 1815, HB 1817, HB 1839, HB 1840, HB 1872, HB 1877, HB 1878, HB 1910, HB 1989, HB 1997, HB 2002, HB 2020, HB 2038, HB 2053, HB 2073, HB 2130, HB 2224, HB 2240, HB 2241, HB 2261, HB 2319, HB 2328, HB 2361, HB 2546, HB 2613, HB 2654, HB 2703, HB 2732, HB 2795, HB 2888, HB 2899, HB 2985, HB 3015, HB 3128, HB 3383, HB 3456, HB 3506, HB 3507, HB 3508, HJR 59, HJR 62, HJR 84**

#### **ENROLLED**

**May 1 - HB 234, HB 522, HB 601, HB 641, HB 935, HB 970, HB 1138, HB 1234, HB 1369, HB 1522, HCR 36**